

Current version	Proposed version	Recommended Revisions and Comments
<b><u>ARTICLE 1: ENACTMENT AND INTENT</u></b>	<b>ARTICLE 1: AUTHORITY AND PURPOSE</b>	Change in title
<b><u>§101: Enactment</u></b> In accordance with the Vermont Municipal and Regional Planning and Development Act, 24 VSA, Chapter 117, §4401, there is hereby established this Zoning Bylaw for the Town of Westfield which is set forth in the text and map that constitute this bylaw. This bylaw shall be known and cited as the "Town of Westfield Zoning Bylaw."	<b><u>§101: Enactment</u></b> This Town of Westfield Zoning Bylaw is enacted in accordance with the provisions of 24 V.S.A. Chapter 117, the Vermont Municipal and Regional Planning and Development Act, herein referred to as the "Act." This Bylaw shall be known and cited as the "Town of Westfield Zoning Bylaw," and herein referred to as the "Zoning Bylaw," or "Bylaw."	Create reference to Vermont Municipal and Regional Planning and Development Act as the "Act" and the Westfield Zoning Bylaw as "Zoning Bylaw" or "Bylaw."
<b><u>§102: Intent</u></b> It is the intent of this Zoning Bylaw to provide for orderly community growth, to further the purposes established in 24 VSA, §4302 and to implement the Town Plan.	<b><u>§102: Purpose</u></b> It is the purpose of this Zoning Bylaw to implement the Westfield Town Plan, to provide for orderly community growth, and to further the purposes established in 24 V.S.A. §4302.	Change intent to purpose
<b><u>§203: Application of Regulations</u></b> The application of these regulations is subject to 24 VSA, Chapter 117. Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended, and no land, building or structure or part thereof, shall be occupied or used unless in conformity with the regulations herein specified for the district in which it is located. Any use not permitted by this bylaw shall be deemed prohibited.	<b><u>§103: Application of Regulations</u></b> Except as exempted in this Bylaw, no development, as defined below, or in 24 V.S.A., Chapter 117, §4303 (10) of the Act, shall commence except in compliance with this Bylaw, including the following: <ul style="list-style-type: none"> <li>A) subdivision of land, the division of a parcel into two or more parcels</li> <li>B) new construction, reconstruction, conversion, alteration, relocation, or enlargement of a structure</li> </ul>	Create a list (rather than a paragraph) of development activities that require a Zoning Permit  Add subdivision as a specific development activity that requires a Zoning Permit.

	<p>C) mining and natural resource extraction D) a change in the use of a structure or land</p> <p><i>A use not permitted by this Bylaw shall be deemed prohibited.</i></p>	
<p><b><u>§701: Amendments</u></b></p> <p>This bylaw may be amended according to the requirements and procedure established in 24 VSA, §§4441 and 4442.</p>	<p><b><u>§104: Amendment of Bylaw</u></b></p> <p>This Bylaw may be amended according to the requirements and procedure established in 24 V.S.A. §4441 and §4442. Mandatory requirements enacted by the State of Vermont will automatically become a part of this Zoning Bylaw.</p>	<p>Add a statement that State requirements will become part of this Bylaw without going through the revision process to incorporate the new requirement into this Bylaw.</p>
<p>205.03 Except as otherwise provided by 24 V.S.A. § 4413 and by 10 V.S.A. § 1976, any bylaw enacted with respect to any land development that is subject to regulation under state statutes, the more stringent or restrictive regulation applicable shall apply.</p> <p>702.01 In their interpretation and application, the provisions of this bylaw shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. If any bylaw is enacted with respect to any land development subject to regulation under state statutes, the more stringent or restrictive bylaw applicable shall apply.</p> <p><b><u>§206: Other Land Use and Relevant Regulations</u></b></p>	<p><b><u>§105: Interpretation</u></b></p> <p>105.01 In their interpretation and application, the provisions of this Bylaw shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. If other concurrent regulations apply to an application for development, the more stringent or restrictive regulation shall apply.</p> <p>105.02</p> <p>A) State and federal government may regulate certain aspects of land use; compliance with this Zoning Bylaw in no way implies compliance with such state or federal regulations. Such regulations include but are not limited to drilled wells, on-lot sewage systems</p>	<p>Simplify the explanation that when there is overlap and a project is subject to more than one regulation, the more stringent rule will apply.</p> <p>Clarify that these zoning regulations govern one aspect of development permitting and other State and Federal regulations may apply, and permits may be required in addition to a municipal Zoning Permit.</p>

<p>State and federal government may regulate certain aspects of land use; compliance with this zoning bylaw in no way implies compliance with such state or federal regulations. Such regulations include but are not limited to: on-lot sewage systems and outdoor furnaces, regulated by the Agency of Natural Resources; underground storage tanks, regulated by the Department of Environmental Conservation; and setback of farm structures, regulated by the Secretary of Agriculture, Food and Markets.</p> <p>702.02 When the Administrative Officer cannot definitely determine the meaning or applicability of one or more sections of this bylaw, he or she shall refuse action, and the Planning Commission shall interpret the meaning or applicability of such sections based upon the Town Plan and the purposes set forth in all relevant provisions of this bylaw.</p>	<p>and outdoor furnaces, regulated by the Agency of Natural Resources; underground storage tanks, regulated by the Department of Environmental Conservation; and setback of farm structures, regulated by the Secretary of Agriculture, Food and Markets.</p> <p>B) An applicant is advised to create a report for the parcel to be developed, from the State Permit Navigator available on the Vermont Agency of Natural Resources website to assess if permits issued by the State of Vermont may be required.</p>	<p>Add a resource for applicant to find out about potential State permits that may be required.</p> <p>Remove interpretation of the Bylaw by the Planning Commission because there is no clear process or uniformly applied standards. Any decision of the Zoning Administrator is still appealable to the Development Review Board.</p>
<p><b><u>§703: Effective Date</u></b></p> <p>This bylaw shall take effect 21 days after adoption by the Town of Westfield according to the procedures contained in 24 VSA, §4442.</p>	<p><b><u>§106: Effective Date</u></b></p> <p>This Bylaw shall take effect 21 days after adoption by the Town of Westfield according to the procedures contained in 24 V.S.A. §4442.</p>	
<p><b><u>§704: Separability</u></b></p> <p>The invalidity of any article or section of this bylaw shall not invalidate any other article or section.</p>	<p><b><u>§107: Separability</u></b></p> <p>If any section of the Zoning Bylaw is held unconstitutional or invalid by a Court of competent jurisdiction, the invalidity of any section shall not invalidate other sections of the Bylaw, and the unaffected sections shall remain in force.</p>	

<p><b><u>§705: Repeal</u></b></p> <p>The existing zoning bylaw, adopted on November 14, 2005, together with all amendments thereto is hereby repealed as of the effective date of this bylaw.</p>	<p><b><u>§108: Repeal</u></b></p> <p>The existing Zoning Bylaw, adopted on January 13, 2010, together with all amendments thereto is hereby repealed as of the effective date of this Bylaw.</p>	
	<p><b>ARTICLE 2: ADMINISTRATION AND ENFORCEMENT</b></p>	
<p><b><u>§601: Administrative Officer</u></b></p> <p>The Selectboard shall appoint an Administrative Officer from nominations submitted by the Planning Commission for a term of three (3) years in accordance with the Act [§4448]. The Selectboard may remove an Administrative Officer for cause at any time after consultation with the Planning Commission.</p> <p>An acting Administrative Officer may be appointed by the Selectboard, from nominations submitted by the Planning Commission, who shall have the same duties and responsibilities of the Zoning Administrator in the Zoning Administrator's absence. In the event an acting Administrative Officer is appointed, the Selectboard shall establish clear policies regarding the authority of the Zoning Administrator relative to the authority of the acting Administrative Officer.</p>	<p><b><u>§201: Zoning Administrator (ZA)</u></b></p> <p>201.01 The Zoning Administrator (ZA) shall be nominated by the Planning Commission, and appointed by the Selectboard, for a term of three (3) years. The Selectboard may appoint an Assistant Zoning Administrator nominated by the Planning Commission, who shall have the same duties and responsibilities of the Zoning Administrator in the Zoning Administrator's absence or to act on an application for a Zoning Permit which presents a conflict of interest for the ZA. The ZA and Assistant ZA may serve on any municipal board or hold any town office except the Development Review Board (DRB). The ZA and Assistant ZA may be removed from office for just cause at any time by the Selectboard, after consultation with the Planning Commission.</p> <p>201.02 The ZA is empowered by §4448 of the Act and shall administer, interpret, and</p>	<p>Refer to Zoning Administrator with one title rather than creation of two titles. The current Bylaw uses both Administrative Officer and Zoning Administrator. Westfield has one Administrative Officer and that is the Zoning Administrator.</p> <p>Create provision for an Assistant Zoning Administrator to act as ZA when the ZA is absent or when the ZA applies for a Zoning Permit or may have another conflict of interest.</p>

<p>The Administrator Officer shall literally administer and strictly enforce the provisions of these regulations, and in doing so shall inspect development, maintain records, and perform other related tasks as is necessary and appropriate.</p>	<p>enforce this Bylaw literally and shall not have the power to permit land development which is not in accordance with this Bylaw.</p> <p>201.03 The ZA shall maintain a record of all applications received for Zoning Permits along with any accompanying documents, and of all permits or other determinations issued.</p>	
<p><b><u>§602: Planning Commission</u></b></p> <p>The Planning Commission shall consist of not less than three (3) or more than nine (9) members appointed by the Selectboard in accordance with the Act [§§4321– 4323]. At least a majority of members shall be residents of the municipality. Any member of the Commission may be removed at any time by a unanimous vote of the Selectboard.</p> <p>The Commission shall adopt rules of procedure deemed necessary and appropriate for the performance of its functions as required under the Act [§4323(b)] and Vermont’s Open Meeting Laws.</p> <p>In accordance with the Act, the Commission shall have the following duties in association with these regulations:</p> <ul style="list-style-type: none"> <li>▪ to prepare proposed amendments to these regulations, and consider proposed amendments submitted by others, including amendments submitted by petition;</li> </ul>	<p><b><u>§202: Planning Commission</u></b></p> <p>The Selectboard shall appoint not less than three (3) or more than nine (9) members to the Planning Commission in accordance with the Act §4321– 4323. At least a majority of the full membership shall be residents of Westfield. Any member of the Planning Commission may be removed at any time by a unanimous vote of the Selectboard.</p> <p>202.01 The Planning Commission shall adopt rules of procedure deemed necessary and appropriate for the performance of its functions as required under the Act §4323(b) and §4461(a) and Vermont’s Open Meeting Law.</p> <p>202.02 The Planning Commission shall adopt rules of ethics with respect to conflicts of interest to guide its official conduct, as required under the Act §4461(a) and Vermont’s Open Meeting Law.</p> <p>202.03 The duties of the Planning Commission shall be to keep the Westfield Town</p>	<p>The Planning Commission will no longer hear and decide:</p> <ul style="list-style-type: none"> <li>-applications for rights-of-way or easements for development lacking frontage (existing §302, revised §701),</li> <li>-applications for site plan approval (existing §606, revised §502),</li> <li>-applications for subdivision approval.</li> </ul> <p>The DRB described in proposed §203 will hear these, and all development matters that cannot be approved administratively by the Zoning Administrator.</p>

<ul style="list-style-type: none"> <li>▪ to prepare and approve written reports on any proposed amendment to these regulations as required by the Act [§4441(c)]; and</li> <li>▪ to hold one or more warned public hearings on proposed amendments to these regulations, prior to submission of a proposed amendment and written report to the Legislative Body [§4441(d)].</li> </ul> <p>The Planning Commission shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under the Act [§4461(a)] and Vermont’s Open Meeting Law. The Commission shall have all powers and duties as set forth in the Act to administer the provisions of these regulations, including but not limited to the power to hear and act upon:</p> <ul style="list-style-type: none"> <li>▪ applications for rights-of-way or easements for development lacking frontage (Section 302),</li> <li>▪ applications for site plan approval (Section 606)</li> <li>▪ applications for subdivision approval (Section 607).</li> </ul>	<p>Plan and Westfield Zoning Bylaw current with changes in the Act or changes requested by the Selectboard, and shall be responsive to the needs of the town by amending and updating in accordance with §4441 and §4442 of the Act, and may perform such other duties as set forth in §4325 of the Act.</p>	
<p><b><u>§603: Board of Adjustment</u></b></p> <p>The Board of Adjustment shall consist of not less than three (3) nor more than nine (9) members appointed by the Selectboard for specified terms in accordance with the Act [§4460(b) and (c)]. The Selectboard also may appoint alternates, for specified terms, to serve on the Board in situations when one or more members of the</p>	<p><b><u>§203: Development Review Board (DRB)</u></b></p> <p>The Selectboard shall appoint not less than three (3) or more than five (5) members to the Development Review Board (DRB,) and two (2) alternates, who shall serve for a term of three (3) years. Members of the DRB shall serve staggered terms such that only a section of the members’ terms shall expire at any given time.</p>	<p>Currently the Planning Commission hears matters of site plan review, subdivision, and access by right of way, and the Zoning Board of Adjustment hears all other matters of Conditional Use, variance requests, appeals. For an applicant it is confusing what review their</p>

<p>Board are disqualified or are otherwise unable to serve. Any member of the Board of Adjustment may be removed for cause by the Selectboard upon written charges and after public hearing. The Board shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under the Act [§4461(a)] and Vermont's Open Meeting Law. The Board shall have all powers and duties as set forth in the Act to administer the provisions of these regulations, including but not limited to the power to hear and act upon:</p> <ul style="list-style-type: none"> <li>▪ appeals from any decision, act or failure to act by the Administrative Officer (Section 608), and any associated variance requests (Section 612),</li> <li>▪ applications for conditional use approval (Section 605),</li> <li>▪ requests for waivers from one or more dimensional standards (see Section 611).</li> </ul>	<p>203.01 The DRB shall have the following powers and duties:</p> <ul style="list-style-type: none"> <li>A) Hear and decide appeals of actions made by the ZA, including, without limitation, any appeal alleging an error committed by the ZA.</li> <li>B) Hear and decide Site Plan Review.</li> <li>C) Hear and decide variance applications.</li> <li>D) Hear and decide Conditional Use applications.</li> <li>E) Hear and decide Planned Unit Development, (PUD) applications under Conditional Use review.</li> <li>F) Hear and decide applications for development in the Special Flood Hazard Area or the River Corridor.</li> <li>G) Hear and decide anything else that requires DRB review according to this Bylaw.</li> </ul>	<p>application will require and what board will conduct the review.</p> <p>In reality, the Planning Commission and Zoning Board of Adjustment are populated by the same individuals. Formation of a Development Review Board simplifies and clarifies the role of the Planning Commission as responsible for planning activities and as authors of the Town Plan and Zoning Bylaw. The Development Review Board's role is to hear and decide all matters of land development requiring more than administrative review providing a separation of power. A municipality may not have a Zoning Board of Adjustment and a Development Review Board at the same time. Upon creation of a Development Review Board by the Selectboard, the existence of a Zoning Board of Adjustment terminates in accordance with 24 V.S.A. § 4460(b). The Selectboard shall appoint members with staggered term lengths upon creation of the Development Review Board.</p>
<p><b><u>§604 Administrative Review &amp; Zoning Permits</u></b></p> <p>604.01 No land development as defined in 24 V.S.A. §4303(10) may be commenced without a permit issued by the Administrative Officer. No zoning permit may be issued by the</p>	<p><b><u>§204: Issuance and Posting of Zoning Permits</u></b></p> <p>204.01 No development as defined in 24 V.S.A. §4303(10) and in this Bylaw may be commenced without a valid Zoning Permit issued by the ZA. No Zoning</p>	<p>This section describes the Zoning Administrator's (ZA) responsibilities, and time limits to issue and post zoning permits.</p>

<p>Administrative Officer unless the proposed development complies with all applicable sections of this bylaw, and all applicable approvals required by the Board of Adjustment or Planning Commission have been granted.</p> <p>604.03 Within thirty (30) days of receipt of a complete application, including all application materials and fees, the Administrative Officer shall act to either issue or deny a zoning permit in writing, or to refer the application to the Board of Adjustment or Planning Commission for consideration. In accordance with 24 V.S.A. §§4448 and 4449, if the Administrative Officer fails to act within the 30-day period, a permit shall be deemed issued on the 31st day. If the Administrator Officer refers the application to the Planning Commission or Board of Adjustment, additional fees will be required, and additional information may be required.</p> <p>604.04 Zoning permits and letters of denial shall include a statement of the time within which appeals may be taken under §608 of this bylaw; and shall require posting of a notice of permit, on a form prescribed by the Town of Westfield. The Administrative Officer shall post this notice of permit within view from the public right-of-way nearest the subject property until the time for appeal has expired.</p> <p>604.05 The Administrative Officer, within three (3) days of the date of issuance, shall deliver a copy of the zoning permit to the Town of</p>	<p>Permit may be issued by the ZA unless the proposed development complies with all applicable sections of this Bylaw, and all applicable approvals required by the DRB have been granted.</p> <p>204.02 The ZA shall act upon Zoning Permit applications within thirty (30) days from the date of receipt of a complete application. The ZA shall approve, refer the application to the DRB, or deny the application. If the ZA fails to act on an application for a permit within thirty (30) days, the permit shall be deemed issued on the thirty first (31st) day.</p> <p>204.03 If the application is denied or referred to the DRB, the ZA shall notify the applicant in writing, stating the reasons for the denial or referral.</p> <p>204.04 Referral to the DRB. If the ZA refers the application to the Development Review Board, additional fees will be required, and additional information may be required.</p> <p>204.05 Statement of Appeal. In accordance with §4449(b) of the Act, a Zoning Permit shall include a statement that an appeal may be taken within 15 days of posting. No permit shall become valid until the time for appeal has</p>	<p>In the existing Bylaw, this section refers to §608 for appeal procedures, yet §608 contains provisions for combined review.</p> <p>Clarify the period of appeal. A permit is issued by the ZA and becomes valid after a 15-day appeal period if there is no appeal.</p>
--	--	--



<p>Westfield Listers; and shall post a copy of the permit in the Town of Westfield municipal offices for a period of fifteen (15) days from the date of issuance.</p> <p>604.06 No zoning permit shall take effect until the time for appeal under §608 of this bylaw has passed, or in the event that a notice of appeal is properly filed, until final adjudication of the appeal.</p> <p>604.07 Zoning permits shall remain in effect for two years from the date of issuance. All development authorized by the permit shall be substantially commenced within this two-year period or reapplication shall be required to continue development.</p> <p>604.08 Within 30 days of the issuance of a zoning permit, the Administrative Officer shall deliver the original, a legible copy, or a notice of the permit to the Westfield Town Clerk for recording in the Town of Westfield land records.</p>	<p>passed, or if a notice of appeal is properly filed, until final adjudication of the appeal. Appeals are described in §208 and §209.</p> <p>204.06 Posting and public notice for Zoning Permits. Upon issuance of a Zoning Permit, the ZA shall post a copy of the permit in the municipal offices and shall provide the applicant with a notice of permit to post within view from the public right-of-way most nearly adjacent to the subject property until a 15-day time for appeal has passed. Barring any appeal, the Zoning Permit becomes valid on the 16<sup>th</sup> day after posting.</p> <p>204.07 The ZA, within three (3) days of the date of issuance, shall deliver a copy of the Zoning Permit to the Listers. 24 V.S.A. §4449(b)(1).</p> <p>204.08 Expiration. If the application is approved, all activity authorized by the Zoning Permit shall be commenced within two (2) years from the date the permit becomes valid, otherwise the permit becomes null and void, and a new application and associated fees shall be required to continue development.</p> <p>204.09 Following the time for appeal, and within 30 days of the issuance of a</p>	<p>Clarify that a project must commence within 2 years of the date the permit becomes valid, or the applicant will need to apply for a new permit. The current Bylaw states two different time limits. It states that a permit remains in effect for 2 years and all development must be substantially commenced within those two years or reapplication is necessary according to §604.07. Also in the current Bylaw, §308.01 states that a structure must</p>
--	--	---

	<p>Zoning Permit, the Zoning Administrator shall deliver the original, or a legible copy to the Westfield Town Clerk for recording in the Town of Westfield land records. 24 V.S.A. §4449(c)(1)(A).</p>	<p>be completed within 24 months of issuance of the permit. Remove a completion time limit in the revised Bylaw; Westfield does not issue Certificates of Occupancy.</p>
	<p><b><u>§205: Fees</u></b></p> <p>205.01 The fees for applications required by these Bylaws shall be established in a rate fee schedule adopted by the Selectboard. Upon request of the Selectboard the Planning Commission shall propose a schedule of fees to cover municipal costs of administering applications under this Bylaw. The current schedule of fees is available at the Town Clerk's office, and on the Town website.</p> <p>205.02 The fee schedule available from the Town Clerk provides the fee amount for Zoning Administrator review, or other types of review with a public hearing by the DRB. Separate and additional fees apply for each type of review.</p> <p>205.03 A separate and additional fee to record mylar plats, decisions, and notices in the Town record must be paid at the time these items are filed with the Town Clerk for recording.</p>	<p>New section describing how the fees are set and articulating that every applicant is required to pay the fee to complete the application. State the reason for fees is to cover municipal costs of administration.</p> <p>Clarifying language that fees for DRB hearings and review are in addition to the Zoning Permit application for ZA review.</p>

	<p>205.04 Every application for a Zoning Permit, or Development Review Board or other approval, must be accompanied by the required fee to be a complete application.</p> <p>205.05 Failure to obtain a Zoning Permit prior to commencement of construction or a change of use constitutes a violation of this Bylaw. An individual in violation of this Bylaw is subject to penalties described in §210.</p>	
<p><b><u>§611: Public Notice</u></b></p> <p>Any requirement of public notice required by this bylaw, whether or not required by any provision of 24 VSA, Chapter 117, and whether applicable to the Board of Adjustment or the Planning Commission, shall be given by the publication and posting of a public hearing notice as required by 24 VSA, § 4464.</p>	<p><b><u>§206: Public Hearings</u></b></p> <p>206.01 Public notice for hearings. In accordance with §4464 of the Act, any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all the following:</p> <ul style="list-style-type: none"> <li>A) Publication of the date, time, place and purpose of the hearing in a newspaper of general circulation in the municipality</li> <li>B) Posting of the same information in three (3) or more public places within the municipality</li> <li>C) Posting of a notice within view from the public right-of-way nearest to the property for which the application is being made</li> <li>D) Written notification is required by first class mail, to the applicant and abutters to the property subject to</li> </ul>	<p>Create this new section outlining the specific procedure for a public hearing, including the public notice.</p> <p>The current Bylaw has a generic section for public notice, though it does not state when public notice will be required. Instead, it refers to state statute, which is accurate, though not instructive.</p> <p>Although lengthy, the revised format provides clear instructions for both a citizen board and applicant on how to warn a public hearing and how a public hearing proceeds.</p>

	<p>development, including those separated by a right of way. The notification shall include where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal. This notice shall be sent by the ZA. The ZA shall make a written personal attestation of the mailing with a record of the recipient addressees. If the public hearing is to appeal a ZA decision, see Appeals §208.</p> <p>E) No defect in the form or substance of any required public notice under this section shall invalidate the action where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid, the ZA shall provide new posting and notice for a new hearing. If the public hearing is to appeal a ZA decision, see Appeals §208.</p> <p>206.02 Meeting and Hearing Procedures.</p> <p>A) In accordance with §4461 of the Act, all meetings and hearings, except for deliberative sessions, shall be open to the public.</p> <p>B) For the conduct of any meeting or hearing, and the taking of any action, a</p>	
--	--	--

	<p>quorum shall be not less than the majority of members of the DRB.</p> <p>C) In any public hearing there shall be an opportunity for each person wishing to achieve status as an interested person to demonstrate that the criteria set forth under §4465 of the Act are met. The DRB shall keep a record of the name, address, and participation of each of these persons.</p> <p>D) In accordance with §4464(b) and §4468 of the Act; the DRB may recess a hearing on an application or appeal pending the submission of additional information, provided that the next hearing date, the time, and place is announced at the hearing, or the hearing is re-warned according to §206.01</p> <p>E) The DRB is hereby authorized to conduct a public pre-hearing conference with the applicant or appellant under such rules as the Board shall establish in its Bylaws and Rules of Procedure. The purpose of such pre-hearing conferences shall be to clarify the issues in controversy, to identify documents and information to be submitted as evidence at the hearing, and to circumvent unnecessary delays that would interfere with an expeditious public hearing process.</p> <p>F) The chair or vice chair shall preside over the hearing; in their absence the</p>	
--	---	--

	<p>DRB shall elect a temporary chair. The presiding officer shall cause the proceeding to be recorded.</p> <p>G) All testimony of parties and witnesses shall be made under oath or affirmation.</p> <p>H) Requirements regarding ex parte communications shall be followed. No member of the DRB shall communicate on any issue in the proceeding, directly or indirectly, with a party, party's representative, party's counsel, or an interested person in the outcome of the proceeding while the proceeding is pending without additional notice and opportunity for all parties to participate. All ex parte communications received by DRB members, all written responses to such communications and the identity of the person making the communication shall be entered into the record.</p>	
	<p><b><u>§207: Decisions</u></b></p> <p>207.01 Members of the DRB shall not participate in the decision unless they have heard all the testimony and reviewed all the evidence submitted in the hearing. This may include listening to a recording of the hearing, or reading the transcripts of testimony they have missed and reviewing all exhibits and other evidence prior to deliberation.</p> <p>207.02 Any action or decision of the DRB, including a decision on appeal, shall be</p>	<p>New section to instruct DRB on basic rules for Decisions.</p>

	<p>taken by the concurrence of a majority of the full membership of the DRB. In accordance with the Act 24 V.S.A. §4464(b)(1), the DRB shall issue a written decision within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall result in deemed approval and shall be effective on the 46th day. A written Notice of Decision will be sent by the DRB to the applicant by certified mail and to interested parties by first class mail.</p> <p>207.03 Decisions shall be in writing with a statement of facts and conclusions of law in accordance with 24 V.S.A. 4464(b)(1).</p>	
<p><b><u>§609: Appeals of Administrative Officer Decisions</u></b></p> <p>609.01 Any interested person as defined under 24 V.S.A. §4465 may appeal a decision or act of the Administrative Officer within 15 days of the date of the decision or act by filing a notice of appeal with the Town Clerk, and by filing a copy of the notice with the Administrative Officer. A notice of appeal filed under this section shall be in writing and include the following information:</p> <ul style="list-style-type: none"> <li>○ the name and address of the appellant,</li> </ul>	<p><b><u>§208: Appeals of Zoning Administrator Decisions</u></b></p> <p>208.01 An interested person as defined in §4465 of the Act, may appeal a decision or action taken by the ZA by filing a written notice of appeal with the DRB within fifteen (15) days of such decision or act. The DRB shall hold a public hearing as required in 24 V.S.A. §4468 within sixty (60) days of receiving a Notice of Appeal. The hearing will be in accordance with §206 of this Bylaw.</p> <p>208.02 Notice of Appeal. The Appeal shall be made in writing to the DRB that shall include the following:</p>	<p>Remove repetition of public hearing procedures and refer to §206.</p>

<ul style="list-style-type: none"> <li>○ a brief description of the property with respect to which the appeal is taken,</li> <li>○ a reference to applicable provisions of these regulations,</li> <li>○ the relief requested by the appellant, including any request for a variance from one or more provisions of these regulations, and</li> <li>○ the alleged grounds why such relief is believed proper under the circumstances.</li> </ul> <p>609.02 The Board of Adjustment shall hold a public hearing on a notice of appeal within 60 days of its filing, as required in 24 V.S.A. §4468. The Board of Adjustment shall give public notice of the hearing under §611 of this bylaw, and shall mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.</p> <p>609.03 The Board of Adjustment may reject an appeal or request for reconsideration without hearing, and render a decision which shall include findings of fact within 10 days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts presented by or on behalf of the appellant.</p> <p>609.04 All appeal hearings shall be open to the public and shall be conducted in accordance with rules of procedures, as required by 24 V.S.A.</p>	<ul style="list-style-type: none"> <li>A) a copy of the Zoning Application and the Zoning Administrator’s decision</li> <li>B) a brief description of the property with respect to which the appeal is taken</li> <li>C) a reference to the regulatory provisions applicable to that appeal</li> <li>D) the relief requested by the appellant</li> <li>E) the alleged grounds for the requested relief and justification for such relief under the circumstances</li> <li>F) the application fee for the appeal</li> </ul> <p>208.03 Public notice for a hearing to appeal the decision of the ZA will be the responsibility of the Assistant Zoning Administrator and performed according to 206.01. Public notice for a hearing to appeal the decision of the Assistant ZA will be the responsibility of the ZA and performed according to 206.01.</p>	<p>Remove DRB ability to reject an appeal hearing.</p> <p>Remove repeated information about public hearings.</p>
--	--	--



<p>§4461. Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The hearing may be adjourned by the Board from time to time, provided that the date, time, and place of the continuation of the hearing are announced at the hearing.</p> <p>609.05 A decision on appeal shall be rendered within 45 days after the final adjournment of the hearing. The decision shall be sent by certified mail to the appellant within the 45 day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Administrative Officer and the Town Clerk as part of the public records of the municipality. If the Board of Adjustment fails to issue a decision within this 45-day period, the appeal will be deemed approved and shall be effective on the 46th day.</p>		<p>Remove repeated information about decisions.</p>
<p><b><u>§610: Appeals to Environmental Court</u></b> In accordance with the Act [§4471], an interested person who has participated in a regulatory proceeding of the Board of Adjustment or Planning Commission may appeal a decision rendered by either of those bodies, within 30 days of such decision, to the Vermont Environmental Court. Appeals to Environmental Court shall also meet the following requirements: 610.01 “Participation” in a Board of Adjustment or Planning Commission proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.</p>	<p><b><u>§209: Appeals of Development Review Board Decisions</u></b> In accordance with §4471 of the Act, an interested person who has participated in a regulatory proceeding of the DRB may appeal a decision rendered by the DRB, within 30 days of such decision, by filing a notice of appeal to the Vermont Superior Court Environmental Division (Environmental Division.)</p> <p>209.01 Appeals to Environmental Division shall also meet the following requirements: A) “Participation” in a DRB proceeding shall consist of offering, through oral or written testimony, evidence of a</p>	<p>Correct name of Environmental Court to Environmental Division</p> <p>Change ZBA to DRB</p>

<p>610.02 The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Town Clerk, or the Administrative Officer if so designated, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.</p>	<p>statement of concern related to the subject of this proceeding.</p> <p>B) The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Division and by mailing a copy to the Municipal Clerk, or the ZA if so designated, who shall supply a list of interested persons (including the applicant if not the appellant) to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.</p>	
<p><b><u>§612: Waivers</u></b></p> <p>The Board of Adjustment may grant waivers to reduce dimensional requirements, in accordance with specific standards that shall be in conformance with the plan and the goals set forth in 24 V.S.A. §4302. Standards may:</p> <ul style="list-style-type: none"> <li>(1) Allow mitigation through design, screening, or other remedy;</li> <li>(2) Allow waivers for structures providing for disability accessibility, fire safety, and other requirements of law; and</li> </ul> <p>Provide for energy conservation and renewable energy structures.</p>		<p>Remove this section. The DRB will not have authority to grant waivers.</p> <p>DRB may allow disability access, fire safety, other legal requirements, and provisions for renewable energy through approval of a variance if they do not meet standards for a variance.</p>
<p><b><u>§614: Violations</u></b></p>	<p><b><u>§210: Violations and penalties</u></b></p>	

<p>The commencement or continuation of any land development [or subdivision] that does not meet the requirements of these regulations shall constitute a violation. All violations shall be pursued in accordance with the Act [§§4451, 4452]. Each day that a violation continues shall constitute a separate offense. The Administrative Officer shall institute, in the name of the Town of Westfield, any appropriate action, injunction or other proceeding to enforce the provisions of these regulations. All fines imposed and collected shall be paid over to the municipality.</p> <p>614.01 <b>Notice of Violation:</b> No action may be brought under this section unless the alleged offender has had at least seven (7) days' warning notice by certified mail that a violation exists, as required under the Act [§4451]. The notice of violation also shall be recorded in the land records of the municipality. The notice shall state that a violation exists; that the alleged offender has an opportunity to cure the violation within the seven-day notice period, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the regulations after the seven-day notice period and within the next succeeding 12 months.</p>	<p>The commencement or continuation of any land development or subdivision that does not meet the requirements of these regulations shall constitute a violation. All violations shall be pursued in accordance with the Act §4451, §4452 or pursued with the Judicial Bureau in accordance with 24 V.S.A. § 1974a.</p> <p>210.01 Any person who violates this Bylaw shall be fined not more than two hundred (200) dollars for each offense. Each day that a violation is continued shall constitute a separate offense.</p> <p>210.02 Notice of Violation:</p> <p>A) No action may be brought under this section unless the alleged offender has had at least seven (7) days' warning notice. Notice shall be made by proof that a written description of the violation has been sent to the address of record by certified mail, by publication in a local newspaper, by service in person by a municipal official, by service in person by the Sheriff, or by other means of notice deemed appropriate as required under the Act §4451. The cost for certified mail and service by the Sheriff shall be recovered from the offender along with penalties due for the violation of the Zoning Bylaw.</p>	<p>Specify a way for the Town to pursue violations with the Judicial Bureau by writing a violation "ticket."</p> <p>Add other means of notice including service by sheriff, and those costs will be recovered from the offender along with any penalties.</p>
--	---	---

<p>614.02 <b>Limitations on Enforcement:</b> An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded municipal land use permit may be instituted against the alleged offender if the action, injunction or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred, and not thereafter, in accordance with the Act [§4454]. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted. No enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit unless the permit or a notice of the permit has been recorded in the land records of the municipality</p>	<p>B) The notice of violation shall be recorded in the land records of the municipality.</p> <p>C) The notice shall state that a violation exists; that the alleged offender has an opportunity to cure the violation within the seven-day notice period, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.</p> <p>D) Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of this Bylaw after the seven-day notice period and within the next succeeding 12 months.</p> <p>210.03 Limitations on Enforcement: An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded Zoning Permit may be instituted against the alleged offender if the action, injunction, or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred, and not thereafter, in accordance with the Act §4454. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted.</p>	<p>Remove the last section that an enforcement action cannot be brought unless there is a Zoning Permit on record in the town office. This could be interpreted that negligence by not acquiring or recording a permit will prevent enforcement of the Bylaw.</p>
---	--	---

	210.04 A structure of any type that requires a Zoning Permit, and is under construction or built without a permit may be removed at the owners' or builders' expense upon order of the Environmental Division of the Superior Court.	Create a provision for the Town to remove a structure.
	<b>ARTICLE 3: ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP</b>	
<p><b><u>§201: Establishment of Zoning Districts and District Boundaries</u></b></p> <p>The Town of Westfield is hereby divided into the following Zoning Districts as shown on the Town Zoning Map and defined herein:</p> <p><b><u>VILLAGE DISTRICTS</u></b></p> <p><i>District Boundaries: Four points define the boundaries: Route 100 North from the Town Garage to Route 100 South, house #146; School Street to house #38; and North Hill Road to Bessett Road. The district extends as a 400 foot buffer in each direction from the centerlines of Route 100 and North Hill Road.</i></p>	<p><b><u>§301: Establishment of Zoning Districts and District Boundaries</u></b></p> <p>For the purposes of this Zoning Bylaw the Town of Westfield is divided into the following Zoning Districts:</p> <p>Village Recreational Residential Rural Residential Conservation Special Flood Hazard Area Overlay River Corridor Overlay</p> <p>301.01 Village District The Village District encompasses the most densely populated area in the Town of Westfield. The Village District is intended to further growth and community development in keeping with traditional village character of compact settlement and open space between villages. The village is characterized by space for public gatherings and social interaction, and businesses offering easy access to basic household needs.</p>	<p>Provide a conceptual description of each Zoning District outlining the character and intention for each District.</p> <p>Add a Conservation District Replace the current §318 Flood Hazard Area Regulations with a more clear Special Flood Hazard Area Overlay (to match FEMA regulations) and Add River Corridor Overlay. These draft maps are at the end of this document.</p> <p>Add text boxes for each Zoning District to contain the metes and bounds boundary descriptions.</p>

	<p><i>District Boundaries: Four points define the boundaries: Route 100 North from the Town Garage to Route 100 South house #1465; School Street to Ball Ground Road; and North Hill Road to Bessett Road. The District extends 400 feet in each direction from the centerlines of Route 100, North Hill Road, and School Street.</i></p>	<p>No change in Village boundaries. Correct house number from 146 to 1465 VT RT 100 as the southern boundary of the District and replaced house #38 (old address number) on School St. with the intersection of Ball Ground Rd. Add School Street. Replace “extends a ...buffer” with statement of distance.</p>
<p><b><u>RECREATIONAL-RESIDENTIAL DISTRICTS</u></b></p> <p><i>District Boundaries: The northwest corner of Town following a buffer of 1500 feet south from the centerline of Route 242, west to the border of Montgomery and north to the border of Jay. The area known as Alpine Haven in the northwest section of town and north of Route 242 is entirely within this district (see map) . Also in the northeastern portion of Town as a buffer following Route 100 North and North Hill Road. The boundary of North Hill Road will extend 200 feet from the centerline of the road both eastward and westward, beginning from the village district boundary (Bessette Road) and ending at the border of Jay. The boundary of Route 100 North will extend 200 feet from the centerline of the road both northward and southward, beginning from the village district boundary (Town Garage) and ending at the border of Troy.</i></p>	<p><b>301.02 Recreational-Residential District</b></p> <p>The intention of the Recreational-Residential District is to provide an area within the Town of Westfield to allow for the development of residential and recreational land uses to accommodate residents and visitors to participate in indoor and outdoor recreation and events, while maintaining the rural character of these areas, including wildlife habitat, and protecting water quality.</p> <p><i>District Boundaries: The northwest corner of Town extending a distance of 1500 feet south from the centerline of Route 242, west to the border of Montgomery and north to the border of Jay. The area known as Alpine Haven in the northwest section of town and north of Route 242 is entirely within this District (see map) . Also in the northeastern portion of Town as a buffer following Route 100 North and North Hill Road. The boundary of North Hill Road will extend 200 feet from the centerline of the road both eastward and westward, beginning from the village District boundary (Bessette Road) and ending at the border of Jay. The boundary</i></p>	<p>No change in boundaries; change language of “following a buffer” to “extending a distance.”</p>

	<i>of Route 100 North will extend 200 feet from the centerline of the road both northward and southward, beginning from the village District boundary (Town Garage) and ending at the border of Troy.</i>	
<p><b><u>RURAL-AGRICULTURAL DISTRICTS</u></b></p> <p><i>District Boundaries: All other land in the Town including the areas of Buck Hill, Route 58, the remainder of the Kennison Road and the Loop Road that are not already in the Recreation-Residential district, Route 100 South from the border of the Village district (house #1465, VT Rte 100 ) and all other land in-between.</i></p>	<p><b>301.03 Rural-Agricultural District</b>  The Rural-Agricultural District encompasses most of the area outside the Village District, and the dominant land use is agriculture and forestry. This District is characterized by open space and areas of prime agricultural soils. Cluster development is encouraged for residential development in this District to protect the land base for continuation and innovation on farms in Westfield.</p> <p><i>District Boundaries: All other land below 1600 feet in elevation in the Town including the areas of Buck Hill, Route 58, the remainder of the Kennison Road and the Loop Road that are not already in the Recreation-Residential District, Route 100 South from the border of the Village District (house #1465, VT Rte 100 ) and all other land in-between.</i></p>	<p>The Rural-Ag District will have the same boundaries as in the current Bylaw except where the newly created Conservation District exists at and above 1600 feet in elevation.</p>
	<p><b>301.04 Conservation District</b>  The Conservation District is to ensure the Town's forestland and wildlife resources remain productive, intact, and healthy. Protecting forest function, particularly upland forests in this District, provides species adaptation and wildlife corridors, stormwater management and flood control through water infiltration and retention capacity that also</p>	<p><b>New District and description</b>  The Town Plan states</p> <ul style="list-style-type: none"> <li>• "This plan encourages the protection and preservation of Westfield's forests and discourages large developments in forested areas. ... Appropriate uses include silvicultural practices, sugaring, woodlots, wildlife habitat</li> </ul>

	<p>recharges ground water. Placing restriction on development will protect these functions on steep slopes and shallow soils.</p> <p><i>District Boundaries: All land at or above 1600 feet in elevation.</i></p>	<p>conservation, recreation, and primitive camps. New roads must be built to avoid soil erosion, disturbing habitat, increasing runoff, degrading water sources or fragmenting blocks of forestland.”</p> <ul style="list-style-type: none"> <li>• “Consider amending zoning Bylaw to minimize fragmentation by driveways and new private roads in forest blocks”</li> </ul>
	<p><b>301.05 Special Flood Hazard Area Overlay</b> The purpose of this Overlay is to minimize future public and private losses due to flood, and to promote public health, safety and general welfare. Designation of this area is required for participation in the National Flood Insurance Program (NFIP) and is regulated under Article 10 of this Bylaw.</p>	<p>Create overlay to clarify existing regulations. Currently there is only a written description noting “areas of special flood hazard on the of National Flood Insurance Map.”</p> <p>The Town Plan states “Ensure that Westfield’s flood hazard regulations maintain the Town’s eligibility for the National Flood Insurance Program. Consider amending the regulations as needed, especially to address erosion hazards.”</p>
	<p><b>301.06 River Corridor Overlay</b> The River Corridor overlay encompasses the sensitive area along the Missisquoi River and its tributaries where there is a need for vegetated buffer areas to prevent bank erosion and collapse. Development proposed in these areas is subject to a more complex review to determine potential impacts on erosion, aquatic habitat, and stormwater runoff and infiltration and is regulated in Article 10 of this Bylaw.</p>	<p>New Overlay and description. We have the opportunity in Westfield to prevent conflicts between the natural meandering of the river and human investments in development. We can take this opportunity now to implement the values stated in the Town plan as “Minimize the risk exposure and associated expense to Westfield residents”; “Amend Zoning Bylaw to increase buffers and/or</p>



		erosion control measures where 50' set back does not provide sufficient erosion control"; and "Ensure that the Town can receive the maximum outside assistance in the event of the next federally declared disaster"
	<p><b><u>§302: Zoning Map and Interpretation of Zoning District Boundaries</u></b></p> <p>302.01 The final authority as to the Zoning status of lands or waters in the Town, regardless of copies made, is the official Westfield Zoning Map, signed by the Selectboard and attested to by the Town Clerk located in the Town Clerk's office as a paper and digital record. The official Westfield Zoning Map incorporates by reference the most recent Flood Insurance Rate Maps published by the Federal Emergency Management Agency and the current River Corridor map, published by the Vermont Agency of Natural Resources, and these maps are declared to be part of this Bylaw. A copy of the Westfield Zoning Map is included as Figure 1.</p>	New section to reference officially adopted maps.
<p><b><u>§202: Zoning Map and Interpretation of District Boundaries</u></b></p> <p>District boundaries shown within the lines of roads, streams and transportation rights-of-ways shall be deemed to follow the center-lines. The abandonment of roads shall not affect the location of district boundaries. When the Administrative Officer cannot definitely</p>	<p>302.02 Interpretation of Zoning District Boundaries:</p> <p>A) District boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the center lines. The abandonment of roads shall not affect the location of District boundaries.</p>	Remove ..."when the Administrative Officer cannot definitely determine the location of a District boundary ..." because this is a remnant from a time that maps could not clearly show the

<p>determine the location of a district boundary by such center lines, by the scale or dimensions stated on the zoning map, or by the fact that it clearly coincides with a property line, he or she shall refuse action, and the Planning Commission shall interpret the location of the district boundary with reference to the scale of the zoning map and the purposes set forth in all relevant provisions of this bylaw.</p> <p>§304: Lots in Two Zoning Districts</p> <p>Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend not more than thirty (30) feet into the more restricted part, provided the lot has frontage on a street in the less restricted district.</p>	<p>B) Interpretation of the Zoning District boundaries by the ZA may be appealed to the DRB for a declaratory ruling. An appeal to the DRB shall be made according to §208.</p> <p>C) Where a Zoning District boundary divides a lot of record, the uses for the less restrictive part of the lot shall extend not more than thirty (30) feet into the more restricted part, provided the lot has frontage on a street in the less restricted Zoning District.</p> <p>D) Lots located in two Zoning Districts may be subdivided according to the requirements of the least restrictive Zoning District of the new lot. Development within the new lot is regulated according to the Zoning District where the development is to occur.</p>	<p>Zoning District boundaries. There is no process in place for the Planning Commission to determine these boundaries beyond the ability of the ZA. Rather than create another process at a regular meeting or a hearing, the ZA will take action and the ZA decision can be appealed to the DRB.</p> <p>Replace 304 with C) to describe development on lots in 2 Districts. Remove the clause “at the time such line is adopted” because enforcing this creates an administrative burden for the ZA to track creation date of the lot and what version of the Bylaw was in effect at the time. The application of this regulation to both existing or new lots further achieves the goals for each Zoning District and the Town Plan.</p> <p>Add D) to include a provision for subdivision of lots in two Districts.</p>
	<p><b>ARTICLE 4: ZONING PERMITS, APPLICATION, AND TABLE OF USES BY ZONING DISTRICT</b></p>	
<p>§203: Application of Regulations</p> <p>The application of these regulations is subject to 24 VSA, Chapter 117. Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended, and no land, building or structure or part thereof, shall</p>	<p><b><u>§401 Application of Regulations</u></b> <b><u>(Do I need a Zoning Permit?)</u></b></p> <p>401.01 No development, as defined by this Bylaw and §4303 in the Act, may be commenced until a valid Zoning Permit is issued by the Zoning Administrator that specifically authorizes the action, unless</p>	<p>Create a list of actions that require a Zoning Permit.</p>

<p>be occupied or used unless in conformity with the regulations herein specified for the district in which it is located. Any use not permitted by this bylaw shall be deemed prohibited.</p>	<p>exempted below in 401.02, 401.03 or elsewhere in this Bylaw.</p> <p>Development requiring a Zoning Permit includes but is not limited to:</p> <ul style="list-style-type: none"> <li>A) construction, assembly, or placement of a new structure.</li> <li>B) repair, improvement, reconstruction, or structural alteration which changes the footprint or total living space of an existing structure.</li> <li>C) total reconstruction of a damaged structure on an existing footprint following a damaging event does require a Zoning Permit. (see 803.03.)</li> <li>D) initiating a new use or changing or expanding the use of land or a structure, such as a home business. (see §905)</li> <li>E) subdivision of land; the division of a parcel into two or more parcels. (see Article 7)</li> <li>F) boundary line adjustment (see §703)</li> <li>G) natural resource extraction, new or expanded. (see §908)</li> <li>H) fences (see §809)</li> <li>I) signs (see §805)</li> <li>J) ponds (see §812)</li> <li>K) demolition</li> </ul>	
<p><b><u>§205: Limitations on Municipal Bylaws</u></b>  In accordance with 24 V.S.A. § 4413:  205.05 In accordance with 24 V.S.A. §4446, This bylaw may exempt “any land development determined to impose no impact or merely a</p>	<p>401.02 Town Exemptions from Zoning Bylaw</p> <p>The following development activities specifically do not require a Zoning Permit unless located in the Special Flood Hazard</p>	<p>Exemptions were previously called “Limitations” of the Bylaw. These are town exemptions. State exemptions are in the following section.</p>

<p>de minimus impact on the surrounding area and the overall pattern of land development.”  <u>The following activities do not require application for a zoning permit:</u></p> <ul style="list-style-type: none"> <li>• Normal maintenance and repair of an existing structure which do not result in expansion or a change of use.</li> <li>• Interior alterations or repairs to a structure which do not result in expansion or a change in use.</li> <li>• Minor grading and excavation associated with road and driveway maintenance (e.g., including culvert replacement and resurfacing), and lawn and yard maintenance (e.g., for gardening or landscaping), or which is otherwise incidental to an approved use. This specifically does not include extraction and quarrying activities regulated under Section 313.</li> <li>• Dog houses or chicken coops.</li> </ul>	<p>Area (SFHA) or the River Corridor. Exempt activities must meet setbacks for the Zoning District in which they are located.</p> <ul style="list-style-type: none"> <li>A) maintenance, repair, improvement, or alteration which does not change or expand the current footprint or total living space of an existing structure</li> <li>B) interior renovation that does not change or expand the use of the structure</li> <li>C) driveways and private roads (Driveways and private roads entering onto a public road require a driveway permit, or a Vermont Department of Transportation highway access permit see §801.)</li> <li>D) small shallow ponds or ground depressions with surface area less than 2000 square feet (see §812)</li> <li>E) certain signs (see §805)</li> <li>F) home occupation (see §905)</li> <li>G) road, sidewalk, bridge, infrastructure, and utility improvements and maintenance within the existing public rights-of-way</li> <li>H) improvements that do not exceed 100 square feet with a height not to exceed 10 feet such as a chicken coop, doghouse, swing set, woodshed or other small structure not to be used as a dwelling, unless in an area designated as River Corridor or Special Flood Hazard Area</li> </ul>	<p>Remove “de minimus” exemption because it forces the ZA to make subjective judgments.</p> <p>Add description of permits needed for driveways</p> <p>Add ponds and area threshold for ponds to be exempt up to 2000 square ft. Larger ponds will require a permit since they have destructive capacity if they fail or have a spillway onto public right of way or adjacent property.</p> <p>Include an exemption based on small size for dog houses, chicken coops, etc rather than an exemption for each use.</p>
--	---	--

<p>205.01 The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:</p> <p>(1) State- or community-owned and operated institutions and facilities.</p> <p>(2) Public and private schools and other educational institutions certified by the state Department of Education.</p> <p>(3) Churches and other places of worship, convents, and parish houses.</p> <p>(4) Public and private hospitals.</p> <p>(5) Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.</p> <p>(6) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.</p>	<p>I) landscaping with minor grading and excavation related to an approved use that does not alter or increase the flow of water to the detriment of any nearby property, including road and driveway maintenance, cemetery maintenance, and lawn and yard maintenance</p> <p>J) connector paths for walking or biking or other non-motorized travel</p> <p>K) green burial</p> <p>L) wells and septic systems (Vermont Department of Environmental Conservation regulations apply)</p> <p>401.03 Statutory Exemptions</p> <p>A) In accordance with the Act § 4413, The following uses may be regulated only with respect to location, size, height, setbacks, density of structures, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:</p> <ol style="list-style-type: none"> <li>1. state or community owned and operated facilities</li> <li>2. public and private schools certified by the State</li> <li>3. places of worship, churches, convents, parish houses</li> <li>4. hospitals</li> </ol>	<p>Define landscaping as an activity that does not alter the flow of water to other properties.</p> <p>Add connector paths for walking or biking or other non-motorized travel. Add green burial.</p> <p>Remove courts, yards, and building bulk because we do not define or regulate these.</p>
---	---	--

<p>205.02 This bylaw shall not regulate public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248.</p> <p>205.04 This bylaw shall be subject to the restrictions created under section 2295 of this title, with respect to the limits on municipal power to regulate hunting, fishing, trapping, and other activities specified under that section.</p>	<ol style="list-style-type: none"> <li>5. regional solid waste management facilities certified under 10 V.S.A. Chapter 159</li> <li>6. hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. §6606a</li> </ol> <p>B) In accordance with the Act §4413 no municipal Zoning Permit or approval under this Bylaw shall be required for the following:</p> <ol style="list-style-type: none"> <li>1. Required Agricultural Practices and Best Management Practices as adopted in rules by the Agency of Agriculture, including farm structures, and defined by the Secretary of Agriculture, Food and Markets (However, written notification, including a sketch plan of the farm structure showing setback distances from roads, rights-of-way, property lines, and surface waters shall be made to the ZA prior to construction and recorded in the Town record.)</li> <li>2. Acceptable Management Practices for silviculture (forestry) as defined by the Commissioner of Forests, Parks, and Recreation</li> <li>3. public utility power generating plants and transmission facilities regulated by the Vermont Public Utility Commission (PUC) under 30 V.S.A. §248</li> </ol>	<p>Add specific basis for agriculture and silviculture exemption.</p>
--	--	---

	<p>C) In accordance with the 24 V.S.A. §2295 no municipal Zoning Permit or approval under this Bylaw shall be required for hunting, fishing, or trapping on public or private land. This excludes facilities that may support such activities, such as firing ranges, gun clubs, and fish and game clubs which are subject to this Bylaw.</p>	
<p>604.02 Zoning Permits: An application for a zoning permit shall be filed with the Administrative Officer on forms provided by the Town of Westfield. All required application fees for all relevant development review processes, as set by the Town of Westfield Selectboard, shall be submitted with the application as well. The applications for a permitted use shall include a sketch plan, no smaller than 8.5" x 11", drawn to scale, that depicts the following:</p> <p>A. the dimensions of the lot, including existing property boundaries,</p> <p>B. the location, footprint and height or existing and proposed structures or additions;</p> <p>C. the location of existing and proposed accesses (curb cuts), driveways and parking areas,</p> <p>D. the location of existing and proposed easements and rights-of-way,</p> <p>E. existing and required setbacks from property boundaries, road rights-of-way, surface waters and wetlands,</p> <p>F. the location of existing and proposed water and wastewater systems,</p> <p>G. proposed erosion and sedimentation control measures to be undertaken; and,</p>	<p><b><u>§402 Zoning Permit Applications</u></b></p> <p>402.01 Zoning Permit Applications are available from the Town Office or the Town Website and must be submitted to the Town Clerk with the associated application and recording fees (see §205.) It is suggested to contact the Zoning Administrator prior to submitting the application. Applicants shall provide all information requested on the form, including a mapped plan showing the location of existing and proposed development.</p> <p>A) The application for a permitted structure or permitted use shall describe the project on the application and include a site map, no smaller than 8.5" x 11", drawn to scale, that depicts the following:</p> <ol style="list-style-type: none"> <li>1. the dimensions of the parcel, including existing property boundaries</li> <li>2. the location, footprint and height of existing and proposed structures or additions</li> </ol>	<p>Refer to new fees section. Add suggestion to contact the ZA</p> <p>Require that the site map show parking areas.</p>





	and a new review process with a new decision will ensue.	location, or altogether different structure or use.  The application may be changed by conditions set by DRB, and in response to DRB suggestions. This will be before the decision is rendered.
	402.03 Public Notice and Issuance Public notice and issuance requirements must be met before a Zoning Permit becomes valid according to §204.05.	Refer to the notice requirement. It appears in §204 so ZA has responsibilities in one place.
	402.04 Zoning Permit Approvals and Referrals A) Before issuing a Zoning Permit, the ZA shall confirm that the proposal is in conformance with this Bylaw through an administrative review. Development must meet Dimensional Requirements (Table 2) and the Performance Standards in §501.  B) The ZA shall refer applications that require DRB approval to the DRB for review and action. No Zoning Permit shall be issued by the ZA for any use or structure that requires the approval of the DRB until such approval has been obtained.	Add explanation of when the ZA can administratively review the application and make a decision and what standards will be used for approval or denial.
§204: Zoning Districts  The district tables for the zoning districts established in §201 appear on the next three pages. These tables set forth the list of permitted and conditional uses as well as the minimum lot	<b><u>§403 Zoning Districts and Permitted Development</u></b>  403.01 The Table of Uses (Table 1) sets forth a list of structures and uses in each Zoning District indicating if a structure or use is:	Create a single Table of Uses for all Zoning Districts rather than have a list for each District.  Create a Single Table of Dimensional Requirements for all Zoning Districts

<p>area and dimensional requirements for development in each of the districts.</p>	<ul style="list-style-type: none"> <li>-Permitted</li> <li>-Permitted with Site Plan Review</li> <li>-Conditional with Site Plan Review</li> <li>-Exempt</li> <li>-Prohibited</li> </ul> <p>Permitted uses are administratively reviewed by the ZA. Conditional Use Review and approval, and Site Plan Review and approval from the DRB are conducted according to §502-503. Alterations or minor changes to an existing and approved Conditional Use such as rearrangement of a site plan or parking area, or expansion of a structure not to exceed 10%, that are not a “change of use” may be permitted by the ZA as a permitted use under this Bylaw.</p> <p>403.02 Development within the River Corridor and Special Flood Hazard Area is subject to additional review. The Special Flood Hazard Area Table of Uses (Table 3) and required review processes are contained in Article 10.</p>	<p>rather than list the requirements separately for each District.</p> <p>Allow for minor change to existing Conditional Use with administrative review and without DRB approval.</p>
	<p>403.03 If a proposed use is not listed in the Table of Uses, the ZA shall first determine if the use is substantially similar to a listed use found within the Table of Uses, using the definitions found in this Bylaw. If deemed substantially similar to a listed use, the ZA shall review the use accordingly, and with the corresponding required approvals. If deemed to be not substantially similar to a listed use in the Table of Uses, the use shall be deemed not</p>	<p>Add provision for uses that are not specifically listed in the Table of Uses.</p>

	listed and shall be prohibited. The ZA's determination may be appealed to the DRB.	
	403.03 The Table of Dimensional Requirements (Table 2) sets forth the minimum lot area and dimensional requirements for development in each of the Zoning Districts.	

	<b>ARTICLE 5: DEVELOPMENT APPROVALS AND REVIEW STANDARDS</b>	
--	--	--

	<p><b><u>§501 Performance Standards</u></b></p> <p>All development in the Town of Westfield must meet these standards as a minimum requirement.</p> <p>No land or structure in any Zoning District shall be used or occupied in a manner that creates dangerous, injurious, noxious, or otherwise objectionable conditions which adversely affect the reasonable use of adjoining or nearby properties. In accordance with §4414(5) of the Act, the following Performance Standards, as measured at the property line, must be met, and maintained in all Districts for all uses, except for agriculture and forestry. In determining on-going compliance, the burden of proof shall fall on the applicant, property owner, and/or all successors and assignors. The Zoning Administrator or Development Review Board may consult with state and federal regulatory agencies in determining accepted Performance Standards for a particular use.</p> <p>501.01 No use, under normal circumstances, shall cause, or result in:</p> <p>A) Noise (as measured by the American National Standards Institute ANSI Standard S1.1, Acoustical Terminology) shall not exceed 45 fast, A-weighted decibels (LAFmax) at or beyond the lot line of the</p>	<p>Add new section with overall Performance Standards for land development activities that the ZA will use in administrative review and the DRB in all other types of review.</p>
--	---	---

	<p>property from which it originates, except specifically for:</p> <ol style="list-style-type: none"> <li>1. temporary maintenance or construction.</li> <li>2. transportation vehicles not used in the ordinary operation of a use or business.</li> <li>3. occasionally used safety signals, warning devices, and emergency relief valves.</li> </ol> <p>B) Vibration. All commercial uses shall cause no inherent and recurring generated vibration at any point along the lot line, except for temporary construction and maintenance activities.</p> <p>C) Smoke, dust, noxious gases, or other forms of air pollution which constitutes a nuisance or threat to neighboring landowners, businesses or residents; which endanger or adversely affect public health, safety or welfare; or which cause damage to property or vegetation.</p> <p>D) Glare, lumen, light, or reflection that impairs the vision of motor vehicle operators, which constitutes a nuisance to other property owners or tenants, or which is otherwise detrimental to public health, safety, and welfare.</p> <p>E) Liquid or solid waste or refuse which cannot be disposed of by available</p>	
--	---	--

	<p>methods without undue burden to municipal or public disposal facilities, which pollutes surface or ground waters, or which is otherwise detrimental to public health, safety and welfare.</p> <p>F) Fire, explosive, radioactive emissions, or other hazard which endangers or degrades public facilities, or neighboring properties, or which results in a significant increased burden on municipal facilities and services.</p>	
<p><b><u>§605: Conditional Use</u></b></p> <p>605.01 No Zoning permit shall be issued by the Administrative Officer for any use or structure which requires a Conditional Use permit specified in District Tables 205.01 to 205.03 as Conditional Uses, until the Board of Adjustment grants such approval.</p>	<p><b><u>§502 Conditional Use Review</u></b></p> <p>502.01 Applicability. A Zoning Permit for any use, expansion of use, structure, or expansion of structure that requires Conditional Use approval according to the Table of Uses shall not be issued by the Zoning Administrator until the Development Review Board (DRB) grants such approval.</p>	
<p>605.02 Submission of Conditional Use Permit Application:</p> <p>Along with a completed zoning permit application, the applicant shall submit one set of site plans, drawn to scale, along with supporting data to the Board of Adjustment. Such application shall include the following information presented in drawn form and accompanied by written text:</p> <p>A. Name and address of the owner of record of the land in question and of adjoining lands. Name and address of the person or firm preparing the</p>	<p>502.02 Application Requirements</p> <p>Applications for Conditional Use approval shall be made on a Zoning Permit Application and be submitted to the Zoning Administrator. The Zoning Administrator shall refer the application to the Development Review Board for review.</p> <p>The application shall include an explanation of the land development and the status of any applicable State permits including but not limited to Potable Supply and Wastewater Permit, Vermont</p>	<p>Include status of state permits to be included in the application to expedite the hearing process, prevent continuances.</p>

<p>map, scale of map, north point and date;</p> <p>B. Site plan showing proposed structure locations and land use areas, streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks.</p>	<p>Department of Transportation Letter of Intent for Highway Access, Act 250 Permit, Vermont Wetlands Permit.</p> <p>The application shall include two (2) sets of maps drawn to scale showing</p> <ul style="list-style-type: none"> <li>A) existing structures</li> <li>B) existing land features and contours including waterways, wetlands, and any prime or statewide significant agricultural land</li> <li>C) proposed structure locations and other areas to be used for driveways, parking and loading, pedestrian walkways and landscaping</li> <li>D) stormwater management and erosion control plans, prepared by a licensed professional, for all phases of development that disturb an area of one-half (1/2) an acre or more, according to §811</li> </ul>	<p>Town Plan states “Review and amend Bylaws for new construction to ensure stormwater is managed on site”</p>
<p>From 605.01 ...In considering its action, the Board of Adjustment shall, following public notice as required by 24 VSA, §4464(a)(1), hold a public hearing, make findings on general and specific standards, and attach conditions as provided herein and in 24 VSA, §4414(3).</p> <p>605.06 The Board of Adjustment shall act to approve or disapprove any such requested Conditional Use within forty-five (45) days after</p>	<p>502.03 Public Hearing Notification</p> <p>Applications for Conditional Use approval are subject to notification and procedures set forth in §206.</p>	



the date of the final public hearing. Failure to act within such a forty-five (45) day period shall be deemed approval		Remove 605.06 because it is contained in §207 and is the same for all types of review.
<p>605.03 In order for the permit to be granted the proposed use shall not adversely affect:</p> <ul style="list-style-type: none"> <li>A. The capacity of existing or planned community facilities.</li> <li>B. The character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.</li> <li>C. Traffic on roads and highways in the vicinity.</li> <li>D. Bylaws in effect with special reference to this zoning bylaw, and;</li> <li>E. The utilization of renewable energy resources.</li> </ul>	<p>502.04 Conditional Use Review Standards</p> <p>In reviewing an application for Conditional Use approval, the DRB shall determine that the proposed use or structure shall not adversely affect the following:</p> <ul style="list-style-type: none"> <li>A) capacity of existing or planned community facilities</li> <li>B) character of the area affected, as defined by the purpose of the Zoning District within which the project is located, and specifically stated policies and standards of the Town Plan</li> <li>C) traffic on roads and highways in the vicinity</li> <li>D) utilization of renewable energy,</li> <li>E) Performance Standards as defined in §501</li> </ul>	<p>Replace “Bylaws in effect with special reference...” which is vague and not instructive with Performance Standards that an applicant can understand.</p>
<p>605.04 In permitting a conditional use, the Board of Adjustment may impose, in addition to the regulations and standards expressly specified by this bylaw, other conditions found necessary to protect the best interests of the surrounding property, the neighborhood, or the municipality as a whole. These conditions may include the following:</p> <ul style="list-style-type: none"> <li>A. Increasing the required lot size or yard dimensions in order to protect adjacent properties.</li> <li>B. Limiting the coverage or height of buildings because of obstruction to</li> </ul>	<p>502.05 Conditions</p> <p>In permitting a Conditional Use, the DRB may impose, in addition to the regulations and standards specified by this Bylaw, other conditions it deems necessary to implement the purposes of this Bylaw, and the Town Plan currently in effect. These conditions may include the following:</p> <ul style="list-style-type: none"> <li>A) increasing the required lot size or setback to protect adjacent properties</li> <li>B) limiting the coverage or height of structures because of obstruction</li> </ul>	<p>Change yard dimensions to setback. The Bylaw does not regulate yards.</p>

<p>view and reduction of light and air to adjacent property.</p> <p>C. Controlling the location and number of vehicular access points to the property.</p> <p>D. Increasing street width.</p> <p>E. Increasing the number of off-street parking or loading spaces required.</p> <p>F. Limiting the number, location and size of signs.</p> <p>G. Requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.</p> <p>H. Specifying a specific time limit for construction, alteration, or enlargement of a structure to house a conditional use.</p> <p>I. Requiring that any future enlargement or alteration of the use be reviewed by the Board of Adjustment to permit the specifying of new conditions.</p> <p>J. As a condition of the grant of a Conditional Use, the Board of Adjustment may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes 24 VSA, Chapter 117 and this zoning bylaw.</p>	<p>to view and reduction of light and air to adjacent properties</p> <p>C) controlling the location and number of vehicular access points to the property</p> <p>D) increasing street width.</p> <p>E) increasing the number of off-street parking or loading spaces required</p> <p>F) limiting the number, location, and size of signs</p> <p>G) requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area</p> <p>H) specifying a specific time limit for construction, alteration, or enlargement of a structure to house a Conditional Use</p> <p>I) stormwater management and erosion control</p> <p>J) other reasonable conditions and safeguards as it may deem necessary to implement the purposes 24 V.S.A. Chapter 117 and this Bylaw</p>	<p>Add stormwater management. The Town Plan states “Amend Zoning Bylaw to include storm water management and erosion control responsibilities for property owners.”</p> <p>Remove (I) the condition of requiring any future enlargement of the project to gain approval because it says in 502.01 that any enlargement of a Conditional Use requires Conditional Use approval.</p>
<p>605.05 A change in use, expansion or construction of land, area, or alteration of</p>		<p>Remove. This contradicts the continuation of permitted</p>

structures or uses which are designated as Conditional Uses within the district in which they are located and are existing therein, prior to the effective date of this bylaw, shall conform to all regulations herein pertaining to Conditional Uses.		nonconforming uses §601. Otherwise, individuals with pre existing nonconforming Conditional Use would need to go through Conditional Use Review.
<b><u>§606: Site Plan Review</u></b>	<b><u>§503 Site Plan Review</u></b>	
606.01 No zoning permit shall be issued by the Administrative Officer for any use or structure, except one-family and two-family dwellings, until the Planning Commission grants Site Plan approval. The Planning Commission shall conform to requirement of 24 VSA, §4416 before acting upon any application, and may impose appropriate conditions and safeguards.	503.01 Applicability A Zoning Permit for any use, expansion of use, structure, or expansion of structure that requires Site Plan Review and approval according to the Table of Uses shall not be issued by the Zoning Administrator until the Development Review Board (DRB) grants such approval.	The current Bylaw allows only one and two family dwellings to be approved by the ZA. The proposed Bylaw has additional permitted uses. Change the language to reflect this.
606.02 The owner shall submit two (2) sets of maps and supporting data to the Planning Commission which shall include the following: Site Plans drawn to scale showing; existing features, contours, structures, easements, and proposed structure locations and land use areas, streets, driveways, circulation, parking and loading spaces, pedestrian walks, landscaping, including site grading and screening.	503.02 Application Requirements A) Applications for Site Plan Review and approval shall be made on a Zoning Permit Application and be submitted to the Zoning Administrator. The Zoning Administrator shall refer the application to the Development Review Board for review. B) The application shall include an explanation of the proposed development and the status of any applicable State permits including but not limited to Potable Supply and Wastewater Permit, Vermont Department of Transportation Letter of Intent for Highway	Include status of state permits to be included in the application to expedite the hearing process, prevent continuances.

	<p>Access, Act 250 Permit, Vermont Wetlands Permit.</p> <p>C) The application shall include two (2) sets of maps drawn to scale showing the following:</p> <ol style="list-style-type: none"> <li>1. existing property boundaries and structures</li> <li>2. existing land features and slope contours including waterways, wetlands, and any prime or statewide significant agricultural land</li> <li>3. proposed property boundaries, structures, and other areas for driveways, parking and loading, pedestrian walkways, and landscaping</li> </ol>	<p>Make a list rather than a paragraph of materials required for the application.</p>
<p>606.03 Prior to granting site plan approval the Planning Commission shall hold a public hearing. The Planning Commission shall review the site plan map and supporting data before approval, approval with stated conditions, or disapproval is granted. At least 15 days prior to the required public hearing a public hearing shall be warned as follows:</p> <ol style="list-style-type: none"> <li>B. Posting of the date, time, and place of the public hearing in or near the town clerk's office and two other public places.</li> <li>C. Written notification to the applicant and the owners of all adjoining properties without regard to the</li> </ol>	<p>503.03 Public Hearing Notification Applications for Site Plan Review are subject to notification and procedures set forth in §206.</p>	<p>Remove procedures for public hearing and refer to §206.</p>

<p>existence of public rights-of-way. Such notice shall include:</p> <ol style="list-style-type: none"> <li>1. A description of the proposed project.</li> <li>2. Where addition information can be obtained regarding the project.</li> </ol> <p>3. That participation in the public hearing is a prerequisite to the right to filing an appeal.</p>		
<p>606.04 When reviewing site plans, the Planning Commission may impose appropriate conditions and safeguards with respect only to:</p> <ol style="list-style-type: none"> <li>A. The adequacy of traffic access;</li> <li>B. The adequacy of circulation and parking;</li> <li>C. The adequacy of landscaping and screening, and;</li> <li>D. The protection of the utilization of renewable energy resources.</li> </ol> <p>607.04 No lot that is created as the result of subdivision of land shall have more than 50% of its buildable area in slopes greater than 20%.</p>	<p>503.04 Conditions When reviewing site plans, the Development Review Board may impose appropriate conditions and safeguards with respect to the following:</p> <ol style="list-style-type: none"> <li>A) adequacy of traffic access</li> <li>B) adequacy of circulation and parking</li> <li>C) adequacy of landscaping and screening</li> <li>D) protection of the utilization of renewable energy resources</li> <li>E) protection of erosive areas such that no building lot that is created as the result of subdivision of land shall have more than 50% of its buildable area in slopes greater than 20%</li> </ol>	<p>Change PC to DRB</p>
<p>606.05 The Planning Commission shall act to approve or disapprove any such site plan within forty-five (45) days after the date upon which it adjourns the public hearing. Failure to act within such forty-five (45) day period shall be deemed approval.</p>		<p>Remove because timing of decisions is included in §207</p>
<p><b><u>§608: Combined Review</u></b></p>	<p><b><u>§504 Combined Review</u></b></p>	

<p>In accordance with 24 V.S.A. § 4462, in cases where a proposed project will require more than one type of development review, the planning commission and zoning board of adjustment may warn and hold a joint hearing or single hearing for the purpose of reviewing and acting on the proposal. The Administrative Officer shall identify proposed projects appropriate for combined review and assist applicants in preparing and submitting coordinated applications to facilitate combined review.</p> <p>Notice for a combined review hearing shall be made in accordance with 24 V.S.A. § 4464(a)(1). The hearing notice shall include a statement that the hearing will be a combined review of the proposed project and list each review processes that will be conducted at the hearing. As applicable, the combined review process shall be conducted in the following order:</p> <ol style="list-style-type: none"> <li>1. Site Plan</li> <li>2. Access by right-of-way</li> <li>3. Requests for Waivers or Variances</li> <li>4. Subdivision Approval</li> <li>5. Conditional Use Review</li> </ol> <p>All hearing and decision requirements and all deadlines applicable to each review process shall apply. Separate written decisions may be issued for each review conducted as part of the combined review, but shall be coordinated where appropriate.</p>	<p><b>504.01 Applicability</b></p> <p>In accordance with 24 V.S.A. §4462, in cases where a proposed project will require more than one type of development review, the Development Review Board may warn and hold a single hearing for the purpose of reviewing and acting on the proposal.</p> <p>The application shall include an explanation of the proposed development and the status of any applicable State permits including but not limited to Potable Supply and Wastewater Permit, Vermont Department of Transportation Letter of Intent for Highway Access, Act 250 Permit, Vermont Wetlands Permit.</p> <p>As applicable, the combined review process shall be conducted in the following order:</p> <ol style="list-style-type: none"> <li>1. Site Plan</li> <li>2. Access by right-of-way</li> <li>3. Requests for variances</li> <li>4. Subdivision Approval</li> <li>5. Conditional Use Review</li> </ol> <p><b>504.02 Application Requirements</b></p> <p>Applications for more than one type of review shall be made on a Zoning Permit Application and be submitted to the Zoning Administrator. The materials required for each type of review must be submitted along with the application. For Conditional Use Review with Site Plan</p>	<p>Change Planning Commission and Zoning Board of Adjustment to Development Review Board.</p> <p>Create more structured information and instructions rather than long description.</p> <p>Include status of state permits to be included in the application to expedite the hearing process, prevent continuances.</p>
--	---	--

	<p>Review, some of the application materials are the same and only one copy is needed for both review processes. The Zoning Administrator shall refer the application to the Development Review Board for review.</p> <p>504.03 Public Hearing Notification Applications for more than one review are subject to notification and procedures set forth in §206. The notice shall include a statement that the hearing will be a combined review and list each review process that will be conducted at the hearing.</p> <p>504.04 All hearing and decision requirements and all deadlines applicable to each review process shall apply. Separate written decisions may be issued for each review conducted as part of the combined review and coordinated where appropriate.</p>	
<p><b><u>§613: Variance Criteria</u></b> The Board of Adjustment shall hear and decide requests for variances as required by the Act [§4469(a)] and appeal procedures under Section 608. In granting a variance, the Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The Board may grant a variance and render a</p>	<p><b><u>§505 Variance</u></b> 505.01 Applicability According to the Act §4469(a), an applicant may apply to the Development Review Board for a variance from the provisions of this Bylaw if the proposed development meets all the review standards in this section. Accommodations for disability access, fire safety, or other</p>	<p>Make it clear how to apply for a variance and clear description of the review process.</p> <p>Remove error in reference to §608 which is combined review, not appeal. Include §208 which is the appeal to a ZA decision in the proposed revision.</p>

<p>decision in favor of the appellant only if <i>all</i> of the following facts are found, and the findings are specified in its written decision:</p> <p>(1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;</p> <p>(2) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;</p> <p>(3) The unnecessary hardship has not been created by the appellant;</p> <p>(4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and the variance, if authorized, will represent the minimum that will afford relief and will</p>	<p>legal requirements may be part of a variance application.</p> <p>505.02 Application Applications for variance approval shall be made on a Zoning Permit Application as an initial application, or as an appeal (see §208) and be submitted to the Zoning Administrator. The Zoning Administrator shall refer the application to the Development Review Board.</p> <p>505.03 Public Hearing Notification Applications for variance approval are subject to notification and procedures set forth in §206.</p> <p>505.04 Review Standards The DRB shall grant a variance and render a decision in favor of the applicant or appellant only if all the following facts are found, and the findings must be specified in its written decision:</p> <p>A) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions</p>	
---	---	--



<p>represent the least deviation possible from these regulations and from the plan</p>	<p>generally created by the provisions of these regulations in the neighborhood or District in which the property is located.</p> <p>B) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property.</p> <p>C) The unnecessary hardship has not been created by the appellant.</p> <p>D) The variance, if authorized, will not alter the essential character of the neighborhood or District in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.</p> <p>E) The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from this Bylaw and from the Town Plan</p> <p>F) For a request for a variance for a structure which is primarily a renewable energy resource</p>	<p>Add review standards required by the State for renewable energy resource structures,</p>
--	---	---

	<p>structure, the DRB may grant the variance only if it finds that all the facts listed in 24 V.S.A. §4469(b) are true for the proposed project.</p> <p>G) For a request for a variance for a structure located in the Special Flood Hazard Area or River Corridor, the DRB shall also find that the request complies with requirements in Article 10 Special Flood Hazard Area and River Corridor Regulations.</p> <p>505.05 Conditions In granting a variance, the DRB may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the Town Plan currently in effect.</p>	<p>Add review standards for projects in the Special Flood Hazard Area and River Corridor in order to comply with the National Flood Insurance Program.</p>
	<p><b><u>§506 Special Flood Hazard Area and River Corridor Review</u></b></p> <p>Applications for land development within the Special Flood Hazard Area Overlay or River Corridor Overlay shall meet the requirements of Article 10 Special Flood Hazard Area and River Corridor Regulations.</p> <p>Permit applications for development within the Special Flood Hazard Area</p>	<p>New section to clearly state that additional review is required for development in Special Flood Hazard Area and the River Corridor. The current Bylaw calls for additional review though it does not list it as part of the review processes. It currently appears only within its own section, meaning an applicant would need to know that their project needs this type of review without knowing that this type of review exists.</p>

	Overlay or River Corridor Overlay shall also be referred to the Agency of Natural Resources (ANR) for review, and a permit shall not be issued until a response has been received from ANR, or the expiration of 30 days following the submission of the application to ANR.	
<b><u>ARTICLE 4: NON-CONFORMING USES &amp; STRUCTURES</u></b>	<b>ARTICLE 6: NONCONFORMING USES, STRUCTURES, AND LOTS</b>	

<p><b><u>§401: Permits Issued prior to Adoption or Amendment of Bylaw</u></b></p> <p>Nothing contained in this bylaw shall require any change in plans or construction of a non-conforming structure for which a zoning permit has been issued and which has been completed within one year from the effective date of this bylaw.</p>	<p><b><u>§601 Permits Issued prior to Adoption or Amendment of Bylaw</u></b></p> <p>Nothing contained in this Bylaw shall require any change in plans or construction of a nonconforming structure, use, or lot for which:</p> <ul style="list-style-type: none"> <li>A) a valid Zoning Permit has been issued, and</li> <li>B) has been substantially commenced before the expiration date indicated on that valid Zoning Permit.</li> </ul> <p>These structures, lots, and uses with a Zoning Permit shall be referred to as nonconforming structures, nonconforming lots, and nonconforming uses.</p>	<p>Clarify that nonconformity regulation applies to permitted nonconformities rather than all nonconformity which would include structures and uses that lack permits altogether.</p>
<p><b><u>§402: Non-Conforming Structures</u></b></p> <p>Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-conforming structure provided that such action does not increase the degree of non-conformance.</p>	<p><b><u>§602 Maintenance of Nonconforming Structures</u></b></p> <p>Nothing in this section shall be deemed to prevent normal maintenance and repair of a nonconforming structure provided that such action does not increase the degree of nonconformance.</p>	<p>Change heading to better reflect the subject of the section.</p> <p>Add Figure 3 to describe structural nonconformance.</p>

<p><b><u>§403: Non-Conforming Uses</u></b></p> <p>The following provisions shall apply to all buildings and uses existing on the effective date of this bylaw which do not conform to the requirements of this bylaw.</p> <p>Any non-conforming use of structures or land except those specified below may be continued indefinitely, but:</p> <p>403.01 Shall not be moved, enlarged, altered, extended, reconstructed, or restored nor shall any external evidence of such use be increased by any means whatsoever, without approval by the Planning Commission.</p> <p>403.02 Shall not be changed to another non-conforming use without approval by the Planning commission.</p> <p>403.03 Shall not be re-established or restored without approval by the Planning Commission if such use has been discontinued for a period of six (6) months, or has been changed to, or replaced by a conforming use.</p>	<p><b><u>§603 Continuation of Nonconforming Structures and Uses</u></b></p> <p>The following provisions shall apply to structures, uses and lots existing on the effective date of this Bylaw that do not conform to the requirements of this Bylaw and:</p> <ul style="list-style-type: none"> <li>A) have a valid Zoning Permit or</li> <li>B) have been in continuous existence and use for more than 15 years.</li> </ul> <p>603.01 Any nonconforming structure or lot may be used indefinitely, except:</p> <ul style="list-style-type: none"> <li>A) a nonconforming structure shall not be moved, enlarged, altered, or reconstructed in a way that increases nonconformance (Figure unless Conditional Use approval is granted by the DRB, except reconstruction of a damaged structure.</li> <li>B) a damaged nonconforming structure may be reconstructed according to 803.03.</li> </ul> <p>603.02 A nonconforming use may be continued indefinitely, except a nonconforming use shall not be expanded or changed to another nonconforming use.</p>	<p>Expand heading to include both Uses and Structures.</p> <p>Include the statute of limitations for Zoning Regulations.</p> <p>Create explanation of Structures and Lots, and Uses separately.</p> <p>Change Planning Commission to Development Review Board</p> <p>Include a visual example of what constitutes increased nonconformity, Figure 2.</p>
--	--	--

	603.03 A nonconforming use shall not be re-established if such use has been discontinued for a period of six months or has been changed to a conforming use.	
--	--	--

<p><b><u>§301: Existing Small Lots</u></b></p> <p>301.01 Any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the effective date of this zoning bylaw may be developed for the purposes permitted in the district in which it is located, even though such small lot does not conform to the minimum lot size requirements of this bylaw, if such lot is not less than one-eighth acre in area or has a minimum width or depth dimension of less than forty feet.</p> <p>301.02 If an existing small lot subsequently comes under common ownership with one or more contiguous lots, the existing small lot shall be deemed merged with the contiguous lot. However, an existing small lot shall not be deemed merged and may be separately conveyed if all the following apply:</p> <ul style="list-style-type: none"> <li>A. The lots are conveyed in their preexisting, nonconforming configuration.</li> <li>B. On the effective date of this bylaw, each lot was developed with a water supply and wastewater disposal system.</li> <li>C. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.</li> <li>D. The deeds of conveyance create appropriate easements on the existing small lots being conveyed for the replacement of one or more wastewater systems, potable water systems, or both, in the event there is a failed</li> </ul>	<p><b><u>§604 Existing Small Lots</u></b></p> <p>604.01 A lot that is legally subdivided, is in separate and nonaffiliated ownership from surrounding properties, and is in existence on the effective date of this Zoning Bylaw may be developed for the purposes permitted in the District in which it is located, even though such a small lot does not conform to the minimum lot size requirements of this Bylaw, if</p> <ul style="list-style-type: none"> <li>A) such lot is not less than one-eighth acre in area, or</li> <li>B) has a minimum width or depth dimension of not less than forty feet.</li> </ul> <p>604.02 If an existing small lot subsequently comes under common ownership with one or more contiguous lots, the existing small lot shall be deemed merged with the contiguous lot. However, an existing small lot shall not be deemed merged and may be separately conveyed if all the following apply:</p> <ul style="list-style-type: none"> <li>A) Lots are conveyed in their preexisting, nonconforming configuration.</li> <li>B) On the effective date of this Bylaw, each lot was developed with a water supply and wastewater disposal system.</li> <li>C) At the time of transfer, each water supply and wastewater system is</li> </ul>	
---	---	--

system or failed supply as defined in 10 VSA chapter 64.	<p>functioning in an acceptable manner.</p> <p>D) Deeds of conveyance create appropriate easements on the existing small lots being conveyed for the replacement of one or more wastewater systems, potable water systems, or both, in the event there is a failed system or failed supply as defined in 10 V.S.A. Chapter 64.</p> <p>604.03 If a merged lot does not meet all the criteria in 604.02, then a subdivision must be completed meeting all the current requirements of this Bylaw for subdivision, and recorded in the Town records prior to separate conveyance of a portion of the merged lot.</p>	<p>Add clarification that merged lots which do not meet the stated criteria for an existing small lot to be conveyed must go through subdivision prior to transfer of ownership of any part of the merged lot.</p>
<b>ARTICLE 7: SUBDIVISION OF LAND</b>		
<p><b><u>§306: Reduction of Lot Area</u></b></p> <p>No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage or other requirements of this bylaw shall be smaller than herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken for public purpose.</p>	<p><b><u>§701 Reduction of Lot Area</u></b></p> <p>No lot shall be so reduced in area that the area, setbacks, lot width, frontage, or other requirements of this Bylaw are not met according to the Table of Dimensional Standards (Table 2.) The provisions of this section shall not apply when part of a lot is taken for public purpose.</p>	<p>Remove “coverage” because coverage requirements do not appear in this Bylaw.</p> <p>Add reference to the dimensional standards contained in the Bylaw.</p>
<p><b><u>§607: Subdivisions of Land</u></b></p> <p>607.01 Applications for minor subdivisions of land of up to three lots shall be reviewed by the Administrative Officer under the Administrative</p>	<p><b><u>§702 Review process for subdivision</u></b></p> <p>702.01 Minor subdivision</p> <p>Applications for subdivision of a parcel to create up to two (2) lots</p>	<p>Change minor subdivision for ZA approval to up to two lots and add a time period. There is currently no time period which makes the regulation</p>



Review process. Minor subdivisions shall comply with all other applicable sections of this bylaw	<p>(including the original lot in its new configuration) shall be reviewed as a minor subdivision by the Zoning Administrator under the Administrative Review process. Any subsequent subdivision resulting in more than two (2) parcels from the original lot within a 5-year period shall be reviewed as a major subdivision. Zoning provisions run with the land and any application by subsequent owners of subdivided lots for further subdivision within a 5-year period are subject to review as a major subdivision.</p> <p>702.02. Minor subdivisions shall comply with all other applicable sections of this Bylaw.</p>	arbitrary and unclear. In the current Bylaw, an applicant could apply for a minor subdivision on the same parcel multiple times creating many lots and forego any review beyond the Zoning Administrator.
607.02 Applications for major subdivisions of land consisting of four or more lots shall also be subject to Site Plan Review by the Planning Commission after public notice and hearing. In accordance with 24 V.S.A. §4464(a)(1), the warning period for the public hearing shall not be less than 15 days.	702.03 Major subdivision Applications for subdivisions of a parcel to create three (3) or more lots (including the original lot in its new configuration) shall be reviewed according to Site Plan Review §503. If the major subdivision is proposed for agricultural land of statewide significance, subdivision shall be proposed according to the provisions of Planned Unit Development §918 to cluster structures and maintain open space.	Change major subdivision to 3 or more lots, and require planned unit development on farmland to fulfill the goals of the Town Plan.
607.03 Any application for subdivision of land shall be accompanied by a plat of sufficient scale and clarity to portray existing conditions	<p><b><u>§703 Application requirements</u></b></p> <p>Any application for subdivision of land shall be accompanied by a plat of</p>	

<p>and proposed development. The plat shall include all lot lines and boundary dimensions, names of roads abutting the property, location and size of existing improvements identified as “existing,” location and size of proposed improvements identified as “proposed,” setback dimensions of proposed and existing structures, location of existing and proposed driveways and culverts, location of existing and proposed wells and septic systems and location of waterways, wetlands, and flood plains. In addition, a topographic survey may be required.</p>	<p>sufficient scale and clarity to <b>portray existing boundaries and conditions along with proposed boundaries and development</b>. In addition, a topographic survey may be required.</p> <p>The plat shall include:</p> <ul style="list-style-type: none"> <li>A) all existing and proposed lot lines and boundary dimensions</li> <li>B) slope of all existing and proposed lots</li> <li>C) names of roads abutting the property</li> <li>D) location and size of existing improvements identified as “existing”</li> <li>E) location and size of proposed improvements identified as “proposed”</li> <li>F) setback dimensions of proposed and existing structures</li> <li>G) location of existing and proposed driveways and culverts</li> <li>H) location of existing and proposed wells and septic systems and location of waterways, wetlands, and flood plains</li> </ul>	<p>Create a list of items to include on the plat for application.</p>
---	---	---

607.05 The approved subdivision may not be officially filed until all appeal periods have expired and all appeals are concluded.	<b><u>§704 Recording a subdivision</u></b> A) An approved subdivision may not be officially recorded in the Town record until either all appeal periods have expired, or all appeals are concluded.	
607.06 A final plat on mylar must be submitted to the Administrative Officer for review before the subdivision is filed and recorded in the Town's land records.	B) A final plat on mylar of the entire parcel with a surveyor's stamp must be submitted to the Zoning Administrator for review and approved at a DRB public hearing (§206) before the subdivision is filed and recorded in the Town's land records. If the subdivision is within 500 feet of a town line, that Town Clerk shall be notified at least 15 days prior to the public hearing.	Change Administrative Officer to Zoning Administrator.  Final Plats need a public hearing for approval according to VSA 24 §4463. Change our Bylaw to be in compliance with this State requirement.
607.07 The approval of the final plat by the Planning Commission shall expire 180 days from that approval unless the approved final plat has been filed and recorded in the Town's land records.	C) The final plat on mylar of the entire parcel with a surveyor's stamp must be recorded in the Town's land records within 180 days following the date that the permit for the subdivision becomes valid by DRB approval. If it is not recorded within 180 days, a new permit will be required.	Clarify that the final plat must be of the entire parcel and on Mylar and that a new permit is required if not filed within 180 of DRB approval.

	<p><b><u>§705 Boundary Line Adjustment</u></b></p> <p>A) An application for a boundary line adjustment must include an original signature from all property owners impacted by the adjustment. An approved boundary line adjustment may not be officially recorded in the Town record until either all appeal periods have expired, or all appeals are concluded.</p>	<p>The current Zoning Bylaw is silent on boundary line adjustment and so confusion arises. This new section creates a way for neighbors to agree on a boundary line change and both apply for the change. No individual may change their boundary line without consent of the other affected parties.</p>
	<p>B) Amended deed records reflecting the adjusted boundary for each parcel and a final plat on mylar of the boundary(ies) affected with a surveyor's stamp must be submitted to the Zoning Administrator for review and approval before the boundary line adjustment is recorded in the Town's land records.</p>	
	<p>C) Amended deed records and the final plat on mylar of the boundary(ies) affected with a surveyor's stamp must be recorded in the Town's land records within 180 days following the date that the permit for the subdivision becomes valid. If it is not recorded within 180 days, a new permit will be required.</p>	
	<p><b><u>§706 Natural Subdivision</u></b></p> <p>A town road or waterway may create a natural subdivision of a parcel if the road or highway splits the parcel in a way that prevents use in a unified way. Presence of a road or waterway does not automatically create a natural subdivision.</p>	<p>New section. Clarify that a natural subdivision does not automatically exist with the presence of a road or waterway.</p>
	<p><b>ARTICLE 8: GENERAL REGULATIONS</b></p>	

<p><b><u>§302: Required Frontage on or Access to Public Roads</u></b></p> <p>Land development may be permitted on lots which do not have frontage on a public road provided that access through a permanent easement or right-of-way has been approved by the Planning Commission in accordance with the following standards:</p> <p>302.01 The width of the right-of-way providing access to the land locked parcel shall be at least 50 feet in width.</p> <p>302.02 The private right-of-way shall intersect the public right-of-way as nearly as possible at a 90 degree angle, but in no case less than 60 degrees, and provide a clear line of site of at least 300 feet in each direction along the public road.</p> <p>302.03 The grade of the private right-of-way shall not exceed 5% within 50 feet of the traveled portion of the public right-of-way.</p> <p>302.04 A culvert with a minimum diameter of 12 inches shall be installed when deemed necessary by the Town Road Commissioner or Forman where the access meets the public road. When deemed necessary a larger culvert may be required. At least 12 inches of fill shall be placed over the culvert.</p> <p>302.05 All access drives fronting upon a paved road shall have a paved apron of at least 2 feet from the edge of the traveled portion of the right-of-way.</p>	<p><b><u>§801 Roads, Driveways, and Access Requirements</u></b></p> <p>801.01 Access to Land Development without Frontage</p> <p>Development may be permitted on lots without adequate frontage on a public road or navigable waters if access through a permanent easement or right of way has been recorded in the deed of each affected property and approved as access by right-of-way by the Development Review Board under Conditional Use approval in §502 and according to the following standards:</p> <ul style="list-style-type: none"> <li>A) Access easement or right of way shall not be less than 25 feet in width.</li> <li>B) If serving more than two lots or uses, the Development Review Board may require a right-of-way up to 50 feet in width to ensure public safety and orderly development.</li> <li>C) Development on lots with access by right-of-way is subject to the setback requirements for the Zoning District.</li> </ul> <p>801.02 Driveway and Private Road Requirements</p> <ul style="list-style-type: none"> <li>A) Applicants proposing to build residential driveways and private roads entering onto public roads</li> </ul>	<p>Current Bylaw has requirements for establishment of access by right of way, then it lists conditions that apply to driveways. It is unclear.</p> <p>Reduce width of private right of way to 25 feet, with option for DRB to increase to 50 feet.</p> <p>Change Planning Commission to Development Review Board</p> <p>Clarify that setbacks from the right of way and boundaries still apply to lots with access by right-of-way.</p> <p>Remove technical standards for a right of way (angle of intersection of the driveway, line of sight, grade, culvert, and distance from intersection) since these standards change over time. The current best management practices are integrated in the approval process for driveway or access by right-of-way at the time of application with review by the ZA in collaboration with the Road Commissioner.</p> <p>Change administration of driveway permits from the Road Commissioner to the Zoning Administrator.</p>
---	---	---

<p>302.06 All access drives shall be at least 150 feet from any intersection involving two or more public streets.</p> <p>302.07 Prior to the construction of a driveway, a public highway access permit shall be obtained as required by 19 VSA, § 1111(b).</p>	<p>must obtain a driveway permit from the Zoning Administrator and must meet specifications for grade, culverts, ditching, and visibility.</p> <p>B) Driveways may be constructed within the setback from the property line that is required for structures.</p> <p>C) If the driveway or private road enters a state highway, the applicant must be permitted by Vermont Agency of Transportation for that point of access as required by 19 VSA, § 1111(b).</p> <p>D) Driveways and private roads shall be located at least fifty (50) feet from an existing intersection.</p> <p>E) Commercial uses shall have driveway access to a maintained public road and shall have unobstructed visibility of such road for three hundred (300) feet in both directions from the point of driveway access.</p> <p>801.03 Road Construction Standards Public and private roads shall comply with the Vermont State Design Standards as adopted by the Vermont Agency of Transportation.</p>	<p>Remove the 2 ft pavement requirement. We don't enforce this, and it is impractical on town dirt roads.</p> <p>Clarify that driveways may be built within the setback.</p>
--	--	--

<p><b><u>§305: Structures on Lots</u></b> There shall be only one (1) principal building on a lot</p>	<p><b><u>§802 Structures on Lots</u></b> Up to two (2) single-household or two-household dwellings are a permitted use on a parcel. Each single household or two household dwelling may have a permitted Accessory Dwelling Unit for up to four (4) dwelling structures on a parcel. Multiple uses may be allowed if those uses are permitted and approved according to this Bylaw.</p>	<p>Increase single household dwellings on a lot from one to two to encourage increased housing density without subdividing open space. Each single household dwelling may have a permitted accessory dwelling unit to further increase housing density on existing lots. This furthers the recommendation of the Town Plan to “Review and amend Bylaws as needed to accommodate Tiny Houses.”</p>
<p><b><u>§307: Required Area or Yards</u></b> Space required by this bylaw to satisfy area, yard, or other open space requirements in relation to one building shall not be counted as part of a required open space for any other building</p>		<p>Remove because we regulate size of the setback, we do not regulate the size of “yards.” Also, requiring structures to increase open space for each structure will decrease building density and increase the amount of open space required for a structure which is in opposition to the goals of the Town Plan.</p>

<p><b><u>§308: New and Abandoned Structures</u></b></p> <p>308.01 All new structures, construction of which is commenced after the effective date of this Zoning Bylaw, must be completed within twenty-four (24) months from the issuance of a permit hereunder.</p> <p>308.02 Within one year after a building or structure has been destroyed, demolished or abandoned, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade by the owner</p>	<p><b><u>§803 Abandonment of Structures and Uses, and Damaged Structures</u></b></p> <p>803.01 Abandonment of Structures. An existing structure shall be deemed abandoned when it has not been maintained for its current use for at least one (1) year. There is no time limit on how long a structure may remain unused provided it is maintained for the current use. A maintained structure is usable and habitable with, including but not limited to, exterior walls, intact windows, and an intact roof. An abandoned structure is prohibited in all Districts and the owner shall:</p> <p>1) Remove any ruined structural material and seed the site to prevent erosion, or</p> <p>2) Reconstruct or repair the structure to be usable or habitable with, including but not limited to, exterior walls, intact windows, and an intact roof.</p> <p>If active work on an uncompleted construction project has not occurred for more than one (1) year, and the Zoning Administrator determines that the structure, development, or construction constitutes a health or safety hazard, the structure shall be deemed abandoned, and the owner shall:</p> <p>1) Remove any ruined structural material and seed the site to prevent erosion, or</p> <p>2) Reconstruct, repair, or resume construction.</p>	<p>Move the time limit for a Zoning Permit (expiration) for new structures to 204.07 saying must be commenced within two years rather than completed in 24 months. The Town of Westfield does not issue Certificates of Occupancy or confirm completion of a project so setting a limit for time to completion doesn't make sense.</p> <p>Create a more specific description of how to remedy abandoned structures.</p> <p>Do not require restoration to grade. This creates erosive conditions, and if possible, we can reuse these foundations.</p>
--	---	---



	<p>803.02 Abandonment of Uses</p> <p>A) Abandonment of Conditional Uses For a parcel granted Conditional Use, if that use is discontinued and not resumed for two (2) years and ownership of the property has been transferred, it is considered an abandoned use. A new Zoning Permit is required to change or resume an abandoned use, and Conditional Use Review will be required according to this Bylaw.</p> <p>B) Abandonment of Nonconforming Uses is regulated according to §603.</p> <p>803.03 Damaged Structures</p> <p>A) Damaged structures are the result of a specific destructive event that diminishes the value and function of a structure. Damaged structures are deemed abandoned if not repaired or rebuilt within two (2) years following the date of the destructive event. Abandoned structures are prohibited in all Districts and must be brought into compliance described in 803.01.</p> <p>B) Reconstruction of a damaged structure shall require a Zoning Permit, except under the conditions described in C) of this section, below.</p>	<p>The current Bylaw does not cover abandonment of use. The goals of adaptive re-use which are in the Town Plan can be supported by protecting the option to restart a Conditional Use indefinitely until both the property has changed ownership and two years have passed since the use has been active.</p> <p>Clarify how long a building can sit damaged before it is considered abandoned.</p> <p>Create a way to rebuild damaged conforming and nonconforming structures. They may be rebuilt with a permit on the previous footprint within 2 years of the damaging event. After 2</p>
--	---	--

	<p>C) A Zoning Permit Application for reconstruction of a conforming or nonconforming damaged structure, on a conforming or nonconforming lot submitted no more than two (2) years from the date of the destructive event may be approved as a permitted structure without Conditional Use Review if the rebuilt structure shall not increase any degree of nonconformity compared to the previous structure. For example, a fire destroys a structure that is nonconforming because it does not meet the current setback requirements. If the owner applies for Zoning Permit within two years following the fire, it may be approved by the Zoning Administrator without DRB review for a variance if the structure is to be built on the pre-existing footprint and does not exceed height limitations.</p> <p>D) A Zoning Permit Application for reconstruction of a damaged structure submitted more than two (2) years from the date of the destructive event shall be approved if the structure and lot meet the regulations of this current Bylaw. For example, a fire destroys a structure that is nonconforming because it does not meet the current setback requirements. More than two (2) years pass. To rebuild the structure in its pre-existing footprint and condition, the applicant would need to apply for and meet the standards for a</p>	<p>years following a damaging event, a nonconforming structure must be built according to current Bylaw. Explain the time limit with an example.</p>
--	---	--

	variance. Alternatively, the owner could apply for a permit to rebuild on a different footprint which meets the setback requirements.	
--	---	--

<p><b><u>§310: Off-Street Loading Space Requirements</u></b> For every building hereafter erected, altered, extended, or changed in use for the purpose of business, trade or industry, there shall be provided one (1) paved off-street loading space for every ten thousand (10,000) square feet of floor space.</p> <p><b><u>§311: Off-Street Parking Space Requirements</u></b> Off-street parking shall be provided as follows: 2 spaces per single dwelling unit; 1 space per accessory dwelling unit; and 1.5 spaces per unit of a multi-unit dwelling. Off-street parking for all other permitted uses must be approved under Site Plan Review; and off-street parking for all other conditionally permitted uses under Conditional Use Review.</p>	<p><b><u>§804 Parking</u></b></p> <p>804.01 Off-Street parking for dwellings shall be at a minimum: -2 spaces per single household dwelling -1 space per accessory dwelling unit -1.5 spaces per unit for double and multi household dwellings</p> <p>804.02 Off-street parking and loading spaces for permitted uses other than dwellings must be approved by the DRB under Site Plan Review §503 or Conditional Use Review §502 according to the review requirements in the Table of Uses. The DRB may at its discretion approve combined parking areas.</p> <p>804.03 Siting of parking areas:</p> <ul style="list-style-type: none"> <li>A) Registered vehicles may be parked in any location on a lot.</li> <li>B) No more than three (3) unregistered vehicles may remain on a lot for more than 90 days. Outdoor storage or deposit of four (4) or more unregistered motor vehicles for more than 90 days is regulated by the State and requires a Salvage Permit (see §901.)</li> <li>C) Unregistered vehicles may not be parked between a structure and a public right-of-way except within a driveway.</li> <li>D) Unregistered vehicles may be parked between a structure and</li> </ul>	<p>Remove off street loading requirements for commercial structures because they are approved under Conditional Use by the DRB. This creates flexibility for business development rather than one equation for all kinds of business endeavors.</p> <p>Create provisions for separate uses combined in one parking area as approved by the DRB to reduce creation of unused impervious surface and stormwater runoff.</p> <p>Create provisions to maintain a neat and tidy appearance in the town following the Town Plan and at the same time maintain flexibility to retain “parts” cars and service vehicles such as a plow truck, etc.</p> <p>Include the State jurisdiction for a Salvage Yard. The Town Plan states “Examine existing junk car ordinance in the Bylaws and determine if it meets the current need and if it is enforceable.”</p>
---	---	--

	<p>the side and rear lot lines, or within the side and rear setbacks if they are screened from adjoining properties and any right- of-way.</p> <p>E) Unregistered and inoperable vehicles may be parked according to C) and D) above and shall be drained of oil, gas, transmission fluid, brake fluid, and batteries. Fluids must be disposed of off-site in accordance with State hazardous waste regulations.</p> <p>804.04 Vehicles for sale Registered or unregistered vehicles that are legitimately for sale may be parked anywhere on a property in the same location for no more than nine (9) continuous months.</p>	
--	--	--

<p><b><u>§312: Signs</u></b></p> <p>No signs shall be permitted in any district except as specifically permitted herein.</p> <p>312.01 The following signs are permitted when located on the immediate property:</p> <ul style="list-style-type: none"> <li>A. One (1) professional or home occupation sign, not exceeding four (4) square feet.</li> <li>B. One (1) temporary real estate sign, not exceeding six (6) square feet.</li> <li>C. Signs identifying any permitted non-residential use.</li> <li>D. Signs necessary for public welfare.</li> </ul> <p>312.02 The following signs shall not be permitted in any district:</p> <ul style="list-style-type: none"> <li>A. Flashing, oscillating or revolving signs.</li> <li>B. Roof signs.</li> <li>C. Free standing signs in excess of twenty (20) feet high.</li> <li>D. Signs which impair public safety.</li> </ul> <p>312.03 Wall, Projecting, Ground and Roof Signs</p> <ul style="list-style-type: none"> <li>A. Every wall sign shall: <ul style="list-style-type: none"> <li>1. Not exceed the highest point of the building's roof.</li> <li>2. Not exceed thirty-two (32) square feet in area.</li> </ul> </li> <li>B. Every projecting sign shall: <ul style="list-style-type: none"> <li>1. Not extend within a highway right-of-way.</li> <li>2. Not extend horizontally more than four (4) feet from the building wall.</li> <li>3. Not be less than ten (10) feet above the surface of a public walking area.</li> </ul> </li> </ul>	<p><b><u>§805 Signs</u></b></p> <p>Signs require a Zoning Permit in accordance with this Section.</p> <p>805.01 Types of signs:</p> <ul style="list-style-type: none"> <li>A) projecting signs may be mounted on the exterior of a structure so the sign projects away from the face of the structure or as an extension of the structure</li> <li>B) free standing signs (i.e. monument and pole signs) may be fastened to a monument, pole or other free-standing structure</li> </ul> <p>805.02 Signs That Do Not Require a Zoning Permit:</p> <ul style="list-style-type: none"> <li>A) portable temporary signs not to exceed twenty (20) square feet (Any sign at a location for more than 30 days is not temporary and requires a permit.)</li> <li>B) residential signs not exceeding four (4) square feet in size and six (6) feet in height, which only state the name and address of the occupants</li> <li>C) farm signs with the name of the farm</li> <li>D) historic markers</li> <li>E) one (1) temporary real estate sign, not exceeding six (6) square feet</li> </ul>	<p>The current Bylaw states that signs are permitted, though it does not specifically say what does and does not require a Zoning Permit. The proposed revision specifically states what signs do not require a Zoning Permit, what signs are permitted and require a Zoning Permit, sign specifications, and signs that are prohibited.</p> <p>Remove “signs necessary for the public welfare” as permitted because any town, state, or federal sign is exempt. In addition, “public welfare” is subjective and forces the ZA to use individual judgement.</p> <p>Current Bylaw has wall, projecting, ground, and roof signs. Simplify this to projecting signs (affixed to a building or structure that has another primary use) and free standing signs (which are held by a structure with a primary use to hold the sign.)</p> <p>Create allowance for portable temporary signs to not require a permit, must comply with size limitation. Any sign at a location for more than 30 days is not temporary and requires a permit. Make temporary real estate signs of less than 6 square feet also exempt from a Zoning Permit. Make murals painted directly on building exempt.</p>
---	--	---

<p>4. Not exceed twenty (20) square feet in area.</p> <p>C. Every ground sign shall:</p> <ol style="list-style-type: none"> <li>1. Not exceed twenty (20) feet in height above the finished grade.</li> <li>2. Be set back at least five (5) feet from the edge of the right-of-way, and at least ten (10) feet from any other lot line.</li> <li>3. Not exceed twenty (20) square feet in area.</li> </ol> <p>312.04 Computation of permissible sign area. When computing the total permissible sign area for any use:</p> <ol style="list-style-type: none"> <li>A. Existing signs shall be included.</li> <li>B. A business may have more than one (1) sign, however, the total area of all of the signs on any given property shall not exceed seventy-five (75) square feet.</li> <li>C. Signs consisting of free standing letters, numerals, or other devices shall include any intervening space between them.</li> </ol> <p>312.05 Traffic hazard, safety and obstruction. Every sign shall be designed and located in such a manner as to:</p> <ol style="list-style-type: none"> <li>A. Not impair public safety.</li> <li>B. Not restrict clear vision between a sidewalk and a street.</li> <li>C. Not be confused with any traffic sign or signal.</li> <li>D. Not prevent free access to any door, window or fire escape.</li> <li>E. Withstand a wind pressure load of at least thirty (30) pounds per square foot.</li> </ol>	<p>F) signs erected by the Town of Westfield, State of Vermont, or US Government</p> <p>G) murals painted directly onto a building</p> <p>805.03 Signs that are permitted and require a Zoning Permit:  <b>All signs must be on the premises of use or business.</b></p> <ol style="list-style-type: none"> <li>A) one (1) professional or home business sign</li> <li>B) signs identifying any permitted non-residential use</li> </ol> <p>805.04 Sign Specifications</p> <p>A) Every projecting sign shall:</p> <ol style="list-style-type: none"> <li>1. not extend within a highway right-of-way.</li> <li>2. not extend horizontally more than four (4) feet from the structure wall.</li> <li>3. not be less than ten (10) feet above the surface of a public walking area.</li> <li>4. not exceed twenty (20) square feet in area.</li> </ol> <p>B) Every free-standing sign shall:</p> <ol style="list-style-type: none"> <li>1. not exceed twenty (20) feet in height above the finished grade.</li> <li>2. be set back at least five (5) feet from the edge of the right-of-way,</li> </ol>	<p>Clarify that signs must be located at the place of the business.</p> <p>List all sign specs together with the size limitations for each type of permitted sign.</p> <p>Make all size specifications for signs that need a permit 20 square feet rather than have different standards for projecting signs and free standing signs. Current Bylaw allows for up 32 square feet for a wall sign, 20 square feet for a projecting sign, and up to 75 square feet of signage on a business. No change in total square footage for a business.</p>
---	---	--

<p>312.06 Illuminated and flashing signs:</p> <p>A. Signs may be illuminated by a steady light provided that such lighting will not illuminate or reflect onto other properties.</p> <p>B. Flashing, oscillating and revolving signs shall not be permitted, unless necessary for public safety or welfare</p>	<p>and at least ten (10) feet from any other lot line.</p> <p>3. not exceed twenty (20) square feet in area.</p> <p>C) Computation of permissible sign area When computing the total permissible sign area for any use:</p> <ol style="list-style-type: none"> <li>1. Existing signs shall be included.</li> <li>2. A business may have more than one (1) sign, however, the total area of all the signs on any given property shall not exceed seventy-five (75) square feet.</li> <li>3. Signs consisting of free-standing letters, numerals, or other devices shall include the area within the outer frame of the sign and include intervening space among all the sign letters and images.</li> </ol> <p>D) Traffic hazard, safety and obstruction. Every sign shall be designed and located in such a manner as to:</p> <ol style="list-style-type: none"> <li>1. not impair public safety.</li> <li>2. not restrict clear vision between a sidewalk and a street.</li> <li>3. not be confused with any traffic sign or signal.</li> <li>4. not prevent free access to any door, window, or fire escape.</li> <li>5. withstand a wind pressure load of at least thirty (30) pounds per square foot.</li> </ol>	
--	--	--



	<p>E) Illuminated signs Signs may be illuminated by a steady light provided that such lighting will not illuminate or reflect onto other properties.</p> <p>805.05 The following signs shall not be permitted in any Zoning District:</p> <ul style="list-style-type: none"> <li>A) flashing, oscillating or revolving signs unless necessary for public safety or welfare</li> <li>B) roof signs</li> <li>C) free standing signs more than twenty (20) feet high</li> <li>D) signs which impair public safety</li> </ul>	<p>Current Bylaw has specifications for roof signs and at the same time says that roof signs are prohibited. Make roof signs prohibited.</p>
--	---	--

<p><b><u>§314: Landfill</u></b></p> <p>In any district, the dumping of refuse and waste material for landfill is prohibited. Only loam, soil, rock, stone, gravel, sand, cinders, and other inert materials may be used for landfill to grades approved by the Planning Commission. The finished grade of such filling shall not exceed a grade of 1:1.5 (rise to run) and shall be seeded or lined with rip rap to avoid erosion. Such filling shall require conditional use approval and shall not commence prior to the issuance of a permit by the Administrative Officer.</p>	<p><b><u>§806 Alteration of Existing Grade (Excavation, Grading, and Filling)</u></b></p> <p>A Zoning Permit is required for the alteration of existing grade by excavation, grading, removal of earth, and or depositing rock, concrete, stone, gravel, sand, cinders, stumps, soil, or other material used as fill unless exempted by 401.02 of this Bylaw.</p> <p>806.01 In any District, the dumping of refuse and waste material for landfill is prohibited. Only loam, soil, rock, stone, gravel, sand, cinders, and other inert materials may be used for landfill to grades approved by the Development Review Board. The finished grade of such filling shall not exceed a grade of 1:1.5 (rise to run) and shall be immediately seeded to prevent erosion.</p> <p>806.02 The alteration of existing grade by excavation, grading, removal of earth, and/or depositing of rock or other material for fill shall not be done in a manner that may cause a change in the rate or direction of drainage to the detriment of any neighboring property, roadway, or right-of-way.</p>	<p>Specifically state that a Zoning Permit is required for excavation, grading, and removal of earth, and differentiate between this activity and landscaping activity. This is directed by the Town Plan to prevent erosion and manage stormwater.</p> <p>401.02 is minor landscaping or excavation concurrent to an approved use.</p> <p>Change Planning Commission to Development Review Board. Remove rip rap as a strategy to prevent erosion which is strongly discouraged due to the increase in destructive energy downstream from installation. To fulfill the Town Plan, we need to solve the problem, not move it.</p> <p>Remove the Conditional Use clause because the Conditional Uses are defined in the Table of Uses and it goes without repeating that all development requiring a permit must not commence prior to approval of a permit.</p> <p>Include requirement to mitigate stormwater impacts of excavation.</p>
--	---	--

<p><b><u>§315: Landscaping and Screening Requirements</u></b></p> <p>Landscaping may be required under site plan review for screening and/or stormwater management purposes. When required, landscaping shall be installed and maintained in front, side and/or rear yards, shall take the form of shade trees, deciduous shrubs, evergreens, grassed areas and ground cover. All such landscaping shall be maintained in a healthy, growing condition, with ground cover or grassed area.</p>	<p><b><u>§807 Landscaping and Screening Requirements</u></b></p> <p>Landscaping may be required under Site Plan Review and Conditional Use Review for screening and/or stormwater management purposes. When required, landscaping with native species whenever possible shall be installed and maintained, shall take the form of shade trees, deciduous shrubs, evergreens, grassed areas and ground cover. All such landscaping shall be maintained in a healthy, growing condition, with ground cover or grassed area. Wherever possible, existing healthy trees and shrubs shall be preserved. Invasive species are prohibited as listed on the Vermont Invasives website.</p>	<p>Add that existing trees maintained where possible to be consistent with values listed in the Town Plan.</p> <p>Require native vegetation whenever possible.</p> <p>Prohibit invasive species</p>
<p>In any district, any area designated, used or intended to be used as a service area for any building or land use; other than one family and two family dwellings; shall be screened from view with either a wall, a solid fence or a fence of evergreens at a height of at least five feet above grade level on all sides where the adjacent land is in a residential district or residential use.</p>		<p>Remove this section. DRB may set screening requirements as part of Conditional Use Review and will have the option to require a fence or landscaping. Also, this is currently unenforced as the current Bylaw has no definition for “service area for any building”</p>
<p><b><u>§320: Alpine Haven Well Head Protection Area and the Westfield Water System</u></b></p> <p>No land development shall occur within a two hundred (200) foot radius of the Alpine Haven Well. No land development shall occur within a two hundred (200) foot radius of the source of the Westfield Water System.</p>	<p><b><u>§808 Alpine Haven Well Head Protection Area and the Westfield Water System</u></b></p> <p>No land development shall occur within a two hundred (200) foot radius of the Alpine Haven Well. No land development shall occur within a two hundred (200) foot radius of the source of the Westfield Water System.</p>	<p>No change</p>

<p><b><u>§322: Fences</u></b></p> <p>Fences shall not be subject to the setbacks established by tables 205.01 to 205.03. However, fences shall be at least one (1) foot from the edge of the Right-of-Way and all other property lines.</p>	<p><b><u>§809 Fences</u></b></p> <p>Fences require a Zoning Permit and shall be permitted in accordance with the following:</p> <ul style="list-style-type: none"> <li>A) Fences on corner lots shall not impede the line of site for vehicles.</li> <li>B) Fences shall not be subject to setbacks established in the Table of Dimensional Requirements. However, fences may be constructed up to, though not on the property line where the property does not abut a right-of-way. Fences that abut a right-of-way shall be at least (1) foot from the edge of the right-of-way.</li> <li>C) A fence shall be maintained by the owner.</li> </ul>	<p>Clarify that fences do require a Zoning Permit.</p> <p>Allow fences to be built up to but not on the property line to more effectively mark boundary lines (and prevent duplicative fence building) and must be maintained by the owner.</p>
---	---	---

<p><b><u>§323: Waterway Setbacks and Vegetated Buffer Strip</u></b></p> <p>The minimum setback distance from the top of the bank of all waterways buildings or other structures will be fifty (50) feet. A buffer strip of undisturbed vegetation shall be left along all waterways, with the use of native vegetation in the landscaping encouraged. No activity may destabilize the shoreline. Cutting and removal of vegetation in the area parallel to all points along the shoreline and extending fifty (50) feet inland from the top of the bank is not allowed except as follows:</p> <ul style="list-style-type: none"> <li>a) Removal of dangerous dead or dying trees is allowed;</li> <li>b) A path no more than ten (10) feet wide is permitted for shoreline access. The path should not be in a straight line parallel to the slope such that it creates a conduit for runoff.</li> </ul>	<p><b><u>§810: Waterway Setbacks, Vegetated Buffer Strip, and Wetlands</u></b></p> <p>810.01 The minimum setback from the top of the bank of all waterways to structures or other land development shall be fifty (50) feet in all Zoning Districts. Any existing vegetation within the fifty (50) foot buffer strip shall remain as undisturbed vegetation along waterways, with the use of native vegetation in the landscaping if possible. No activity may destabilize the shoreline. Cutting and removal of vegetation in the buffer strip area along the shoreline and extending fifty (50) feet inland from the top of the bank is prohibited except as follows:</p> <ul style="list-style-type: none"> <li>A) Removal of dangerous dead or dangerous dying trees is allowed.</li> <li>B) A path no more than ten (10) feet wide is permitted for shoreline access. The path may not create runoff or erosion.</li> </ul> <p>810.02 Land development within a wetland and within a fifty (50) foot buffer around a wetland is regulated by the State. Applicants may need to alter development plans based on the need for a Wetland Permit and so it is recommended that the applicant consult with the Vermont Wetlands Program prior to submission of the application for a Zoning Permit.</p>	<p>Change section title to include wetlands according to Town Plan that states “Ensure the Zoning Bylaw maintains provisions for consideration of ground and surface water contamination and wetland disturbance.”</p> <p>Include reference to wetland setbacks required by the State.</p>
--	--	--

	<p><b><u>§811 Stormwater Management and Erosion Control</u></b></p> <p>Under Conditional Use Review, the DRB may require that land development incorporates temporary and permanent stormwater management and erosion control practices as appropriate for the type and density of proposed development and lot coverage to ensure that the project and subsequent development does not result in soil erosion, the degradation of surface waters and/or hazards to properties within the vicinity.</p> <p>811.01 All storm water management systems shall be designed to:</p> <ul style="list-style-type: none"> <li>A) use natural drainage systems to the extent feasible and minimize the need for system maintenance.</li> <li>B) maximize on-site infiltration and treatment of storm water, and prevent additional surface runoff to roadways, ditches and adjacent waterways.</li> <li>C) accommodate anticipated flows, including existing surface water runoff and total runoff generated by the proposed development, during storm events.</li> <li>D) provide storage areas and treatment to manage flows and protect water quality.</li> </ul>	<p>New section to implement goals of Town Plan. Town Plan states “Review and amend Bylaws for new construction to ensure stormwater is managed on site” and “Amend Zoning Bylaw to include storm water management and erosion control responsibilities for property owners.”</p>
--	---	--

	<p>E) avoid damage to adjoining properties and downstream drainage areas.</p> <p>811.02 All areas exposed during construction shall be protected in accordance with standards contained in the most current version of Low Risk Site Handbook for Erosion Prevention and Sediment Control published by the Vermont Department of Environmental Conservation, Agency of Natural Resources (referred to as Handbook herein.)</p> <p>811.03 The DRB shall require the submission of stormwater management and erosion control plans with the application materials, prepared by a licensed professional, for all phases of development that disturb an area of one-half (1/2) an acre or more. Such plans shall incorporate accepted management practices as recommended by the Handbook and identify the person or organization responsible for system maintenance.</p>	
--	---	--

	<p><b><u>§812 Ponds</u></b></p> <p>The construction of ponds and other impoundment may be allowed as an accessory use in any Zoning District except the Conservation District. Ponds with up to 2,000 square feet of surface area do not require a Zoning Permit but must meet setback requirements measured from the bottom of the slope of impoundment (or from the high water mark if there is no berm or slope) to the boundary or right-of-way. A pond shall have no discharge, overflow, or spillway that could conduct water toward public or private shared rights-of-way, roads and ditches. Ponds with greater than 2000 square feet of surface area inundated at the high water mark require a Zoning Permit.</p> <p>812.01 In addition to the application requirements for a Zoning Permit, applications for ponds shall include the following on a map:</p> <ul style="list-style-type: none"> <li>A) drawing of pond specifications including all dimensions, depth, and volume</li> <li>B) locations of all public or private shared rights-of-way, roads, and ditches</li> <li>C) neighboring property uses</li> <li>D) all structures on adjacent properties including structures, springs, septic, wells, driveways</li> </ul>	<p>New section for specific pond standards so applicants know that a pond is a structure that may require a permit depending on the size and how to measure setbacks. Provide guidance about the requirement to get a permit (or not.)</p> <p>Include recommendations from the Road Commissioner to construct ponds beyond the setback and direct any possible discharge away from roads and ditches.</p>
--	--	---



	<p>E) hydrologic connectivity between the pond and any stream, spring, or wetland area</p> <p>F) spillway for the pond and an outlet for water level regulation that is directed away from rights-of-way or other structures.</p> <p>812.02 For any pond involving the impoundment of water through creation of an embankment, berm, or other structure that exceeds the natural grade of the site and contains greater than 200,000 cubic feet of water (i.e. .46 acres by 10 feet deep) – a written certification that the pond has been designed by a state licensed professional engineer.</p> <p>812.03 For any pond that will be capable of impounding in excess of 500,000 cubic feet of water (i.e. 1.15 acres by 10 ft deep,) an approved permit from the Vermont Department of Environmental Conservation in accordance with 10 V.S.A. Chapter 43 shall be filed with the Town.</p> <p>812.04 If the project requires any work in a stream and if a stream alteration permit or other approval is required from the Vermont Department of Environmental Conservation in accordance with 10 V.S.A. Chapter 41, the applicant must file this permit with the Town.</p>	
--	--	--

	812.05 If the project requires any work in a wetland or within 50 feet of a wetland, it may require a Wetlands Permit. If such a permit is required, the applicant must file this permit with the Town.	
<p><b><u>§325: Sewage and Water Facilities</u></b></p> <p>All new, revised, or repaired sewage and water facilities are to be done in accordance to State regulations - Environmental Protection Rules, Chapter 1, <i>Wastewater System and Potable Water Supply Rules</i>, Effective September 29, 2007</p>		Remove because all potable supply and wastewater is governed by the State of Vermont, not by this Bylaw. The Zoning Permit states that the applicant must comply with all Federal and State regulations, and additional permits that may be required are mentioned in sections on Interpretation of the Bylaw, Conditional Use, and Site Plan Review.

<p><b><u>§327: Structures Exempt from Maximum Height Requirements</u></b></p> <p>The height of antenna structures, wind turbines with blades less than 20 feet in diameter, or rooftop solar collectors less than 10 feet high, any of which are mounted on complying structures, shall not be regulated unless this bylaw provides specific standards for regulation. In addition, silos, church spires, water towers, and/or public utility towers shall be exempt from the maximum height limits.</p>	<p><b><u>§813 Maximum Height Exemptions</u></b></p> <p>813.01 The height of antenna structures, wind turbines with blades less than 20 feet in diameter, or rooftop solar collectors less than 10 feet high which are mounted on complying structures, shall not be regulated unless this Bylaw provides specific standards for regulation.</p> <p>813.02 Silos, agricultural structures, water towers, and/or public utility towers shall be exempt from the maximum height limits.</p> <p>813.03 The Development Review Board under Conditional Use Review may permit structures taller than 35 feet provided the structure:</p> <ul style="list-style-type: none"> <li>A) does not change the character of the area.</li> <li>B) does not constitute a hazard.</li> <li>C) has a height of occupancy that does not exceed 35 feet, meaning the portion above 35 feet shall remain unoccupied except for normal maintenance.</li> </ul>	<p>Remove church spires as exempt so to prevent separate treatment of religious organizations.</p> <p>Add DRB standards to approve structures above 35 feet if the height of occupancy does not exceed 35 feet. This is to ensure that emergency services may reach all habitable spaces.</p>
--	---	---

	<b>ARTICLE 9: SPECIFIC USE STANDARDS</b>	
<p><b>§309: Junkyards</b></p> <p>Junkyards, junky yards, and the storage of junk motor vehicle shall be prohibited in the Town of Westfield.</p>	<p><b><u>§901 Salvage Yards</u></b></p> <p>901.01 The storage of junk motor vehicles shall be prohibited in the Town of Westfield. Outdoor storage of no more than three (3) unregistered vehicles is allowed without a Zoning Permit according to 804.03 of this Bylaw.</p>	<p>Change from Junkyards to Salvage Yards. Clarify the State rules for outdoor storage of unregistered vehicles. The Town Plan states “Examine existing junk car ordinance in the Bylaws and determine if it meets the current need and if it is enforceable.”</p>

	<p>901.02 In any Zoning District the dumping of refuse and waste material is prohibited, except in an approved solid waste facility. Composting of non-toxic materials is allowed.</p> <p>901.03 Salvage yards are subject to Conditional Use Review according to the Table of Uses. All salvage yards (including any outdoor storage of 4 or more unregistered vehicles) shall have a Salvage Permit issued by the State of Vermont Department of Environmental Conservation and approval from the Selectboard.</p>	<p>Call attention to no dumping of refuse on property to achieve the Town Plan goals.</p> <p>Add provision to allow salvage yards that are permitted through the State and approved by the Selectboard. We want to promote re-use and have a need to repurpose materials in a changing climate and economy. Currently Salvage Yard is not a Permitted or Conditional Use and so prohibited.</p>
<p><b>§319: Dwelling Units Above Businesses</b> In any district, businesses that have more than one (1) floor may have no more than two (2) dwelling units on the floors above the ground floor.</p>	<p><b><u>§902 Accessory Dwelling Unit</u></b> An Accessory Dwelling Unit shall be permitted on a lot for each Single Household Dwelling that is permitted, and shall comply with the following standards:</p> <ul style="list-style-type: none"> <li>A) The property shall have sufficient wastewater capacity (which requires State approval.)</li> <li>B) The unit shall not exceed 1200 square feet of above ground living space.</li> <li>C) Applicable setback requirements shall be met.</li> </ul> <p>In any Zoning District, a business with more than one floor may have accessory dwelling units of up to 1200 square feet each on the floors above the ground floor in a conforming structure.</p>	<p>Create a permitted use for Accessory Dwelling on any lot where a single household dwelling is permitted to comply with State statute and encourage efficient use of town centers for residential development and services.</p> <p>Create a more permissive accessory dwelling unit limit for business structures with more than one floor to promote increased housing density and affordability.</p>

<p><b>§317: Camp Grounds</b></p> <p>317.01 No person or persons shall construct or operate a camp ground without first obtaining site plan approval from the Planning Commission and a permit from the Administrative Officer. Before issuing a camp ground permit, a performance bond shall be obtained from the operator to assure the camp is maintained in a satisfactory manner.</p> <p>317.02 Application for a camp ground site plan approval shall be made to the Planning Commission. The application shall be accompanied with a site plan and drawings showing property lines, area, contours, roads, walkways, lots, parking, water lines, sanitary sewer and storm drainage facilities, garbage collection stations and electrical distribution.</p> <p>317.03 All State permits must be acquired by the developer; however, the Town of Westfield cannot condition the issuance of a zoning permit upon the issuance of State permits.</p>	<p><b><u>§903 Campgrounds and Camping Vehicles</u></b></p> <p>903.01 A camping vehicle used as a dwelling and sited so it is not moved or readily movable shall be deemed a dwelling and subject to regulation as a dwelling.</p> <p>903.02 Campgrounds New campgrounds, or any addition, or alteration to existing campgrounds require Conditional Use Review and approval (§502) in addition to meeting the following standards:</p> <ul style="list-style-type: none"> <li>A) Campgrounds shall provide for lavatory, shower, and toilet facilities and individual camping vehicle or tent spaces.</li> <li>B) A strip of land at least fifty (50) feet wide shall be maintained as a buffer area abutting all campground property lines. No camping vehicle, tent or service structure shall be in this buffer area.</li> <li>C) Applicants must comply with State regulations.</li> </ul>	<p>Include new language for a situation that a camping vehicle used as a dwelling.</p> <p>Remove bond requirement because it is not practical for the Town to enforce.</p> <p>Require Conditional Use Review rather than Site Plan Review.</p> <p>Remove lengthy application requirements. Applications will follow the requirements for Conditional Use Review section.</p> <p>Add specific requirements similar to the state's requirements for campgrounds.</p>
<p><b>§328: Child Care</b></p> <p>328.01 No permit shall be necessary for the owner of an existing single family dwelling to operate a child care within their home as long as they are not caring for more than 6 full time children and 4 part time children unless the owner of the dwelling desires to enlarge the structure.</p> <p>328.02 Someone seeking to establish a day care facility in a proposed single family dwelling structure, as opposed to an existing single family dwelling, that will be designed to</p>	<p><b><u>§904 Child Care Home</u></b></p> <p>904.01 A person providing care for children from more than two (2) families other than their own must be registered or licensed in accordance with the Vermont Department for Children and Families.</p> <p>904.02 A registered child care home shall be considered permitted as a single household dwelling use of the property. Once a Zoning Permit for a single household dwelling has been obtained, no further Zoning Permit is required for a registered child care home. New structures</p>	<p>Clarify the need for a Zoning Permit based on the type of facility and number of children served. The current Bylaw is confusing with descriptions for "existing single family homes" and "new single family homes." The same regulation applies to both.</p> <p>Refer to the state regulations for child care homes.</p>

<p>serve no more than 6 full time and 4 part time children must obtain a permit for a single family dwelling prior to erecting the single family dwelling.</p> <p>328.03 A child care facility designed and operated for the care of more than 6 full time and 4 part time children, shall not be established prior to the issuance of a zoning permit. Prior to the issuance of such permit, such facilities shall be subject to conditional use review under § 605 of this bylaw. The owner of such a facility shall be licensed or registered by the state for child care.</p>	<p>or alterations of the property that would otherwise require a permit still require a permit, including but not limited to a fence, an accessory structure for storage, or large permanent play structure exceeding 100 square feet.</p> <p>904.03 A licensed child care facility must be operated by an owner or administrator who is licensed with the State of Vermont for childcare. Childcare that is licensed by Vermont Department for Children and Families requires a Zoning Permit subject to Conditional Use Review and approval according to the Table of Uses (Table 1).</p>	
<p>§303: Protection of Home Occupations</p> <p>No bylaw may infringe upon the right of any resident to use a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.</p>	<p><b><u>§905 Home Occupation and Home Business</u></b></p> <p>No provision of these regulations may infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in a residential area, and which does not have an undue adverse impact on the character of the residential area in which the dwelling is located.</p> <p>905.01 Home Occupation</p> <p>A home occupation shall not require a Zoning Permit and shall be considered part of a dwelling use. A home occupation is conducted within a dwelling or accessory structure which is carried on by a resident of that dwelling. A home occupation shall meet the following criteria:</p> <p style="padding-left: 40px;">A) no on-site employees other than the resident or other members of the household</p>	<p>Differentiate between home occupation and home business based on potential impact and to protect neighboring properties. This will also protect an individual's right to have an occupation based at their home.</p>

	<p>B) no signs or outdoor storage or displays</p> <p>C) no significant additional traffic</p> <p>D) no impact on the character of the neighborhood</p> <p>E) no objectionable noise, smoke, vibration, dust or odors on adjoining and nearby properties</p> <p>905.02 Home Business</p> <p>A home business requires a Zoning Permit. A home business shall meet the following criteria:</p> <p>A) The home business shall be conducted by residents of the dwelling and up to a maximum of two (2) nonresident employees on-site at any time.</p> <p>B) The home business shall be conducted within the principal dwelling, an attached garage, or an accessory structure on the same lot, and shall not occupy a gross area greater than 1,000 square feet. Services may be provided off site.</p> <p>C) Materials relating to the business may be stored outside if they are properly screened from view of adjacent roads and neighboring properties (see definition of screening).</p> <p>D) The home business shall meet all Performance Standards set forth in §501 of this Bylaw.</p> <p>E) Parking is provided off-street and not located in the setbacks.</p> <p>F) Adequate provisions shall be made for water, wastewater and the disposal of</p>	
--	--	--

	<p>solid waste, in accordance with applicable municipal and state regulations.</p> <p>905.03 A business use that is specifically listed in the Table of Uses and conducted in a home shall be reviewed according to the requirements for the specific business use listed in the Table of Uses. A home business use that is not specifically listed as a business use and is not similar to a listed business use in the Table of Uses is subject to Conditional Use Review and may be approved as a “home business.”</p>	<p>Clarify that if a business is listed in the table of uses, then it will be reviewed according to the requirements for that business use listed in the table of uses. If the home business is not similar to any listed business use in the Table of Uses, then it will be reviewed as a “home business.”</p>
<p>§321: Agriculture and Forestry</p> <p>321.01 Nothing contained herein shall restrict accepted agricultural or farming practices, or accepted silvicultural practices, including the construction of farm structures, as such practices are defined by the Commissioner of Agriculture, Food and Markets or the Commissioner of Forests, Parks and Recreation, respectively, under 10VSA, §§1021(f) and 1259(f) and 6 VSA, §4810.</p> <p>321.02 Zoning permits need not be obtained for farm structures. However, any landowner proposing to erect a farm structure shall notify the Administrative Officer or the Town Clerk of such intent prior to the erection of such structure. The notification shall be in writing and shall contain a sketch of the proposed structure including the setbacks from adjoining property lines and road right-of-ways.</p> <p>321.03 Farm structures shall comply with setbacks approved by the Commissioner of</p>	<p><b><u>§906 Agriculture and Forestry</u></b></p> <p>In accordance with the Act §4413 no municipal Zoning Permit or approval under this Bylaw shall be required for:</p> <ul style="list-style-type: none"> <li>A) Required Agricultural Practices and Best Management Practices as adopted in rules by the Agency of Agriculture, including farm structures, and defined by the Secretary of Agriculture, Food and Markets.</li> <li>B) Acceptable Management Practices for silviculture (forestry) as defined by the Commissioner of Forests, Parks, and Recreation.</li> </ul> <p>906.01 Zoning Permits are not required for farm structures. However, any landowner proposing to erect a farm structure shall notify the Zoning Administrator of such intent prior to building the structure by completing a Zoning Permit Application with a sketch of the proposed</p>	<p>No substantive changes.</p> <p>Clarify no need for permit for agriculture and silviculture.</p> <p>Clarify the need to record the structure in the Town record and how to do that.</p>



<p>Agriculture, Food and Markets. The approved setbacks are those setbacks contained in §205 of this bylaw.</p> <p>321.04 A person proposing to construct a farm structure with setbacks less restrictive than those contained herein shall submit, in writing, a request for a variance to the Commissioner of Agriculture, Food and Markets. Such request must include the following information:</p> <p>A statement of the reason or reasons less restrictive setbacks are necessary;</p> <p>A copy of this zoning bylaw;</p> <p>A sketch plan of the proposed structure(s) showing the distance from all property lines, and;</p> <p>A description of the adjoining land uses.</p>	<p>structure including the setbacks from adjoining property lines and road rights-of-way. This exempt application shall be recorded in the Town records. There is no application fee. A recording fee will apply.</p> <p>906.02 Farm structures shall comply with setbacks contained in the Table of Dimensional Standards of this Bylaw. A person proposing to construct a farm structure with setbacks less restrictive than those contained herein shall submit, in writing, approval for a variance from the Secretary of Agriculture, Food and Markets.</p>	<p>Clarify the need to meet setbacks unless granted a variance at the State level. Remove the application information for variance from the State since this process is not governed by this Bylaw.</p>
	<p><b><u>§907 Limitation on Regulation of Public Facilities</u></b></p> <p>The following uses may be regulated only with respect to location, size, height, setbacks, density of structures, parking, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:</p> <ul style="list-style-type: none"> <li>A) state or community owned and operated institutions and facilities</li> <li>B) public and private schools and other educational institutions certified by the state department of education</li> <li>C) places of worship, convents, and parish houses</li> <li>D) public and private hospitals</li> </ul>	<p>New</p> <p>Currently we have no jurisdiction over these types of development. We can gain input into how the development proceeds through site plan review if we include this in the Bylaw.</p>

	<p>E) regional solid waste management facilities certified under 10 V.S.A. Chapter 159</p> <p>F) hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a</p>	
<p>§316: Mobile Home Parks</p> <p>No person shall construct or operate a mobile home park without first obtaining site plan and conditional use approval from the Planning Commission and a permit from the Administrative Officer. Before issuing a mobile home park permit, a performance bond shall be obtained from the operator to assure that the park is constructed in a satisfactory manner.</p> <p>Application for a mobile home park site approval shall be made to the Planning Commission. The application shall be accompanied with a site plan and drawings showing property lines, area, contours, showing any proposed grading, roads, walkways, lots, parking, water lines, sanitary sewer and storm sewer drainage facilities, garbage collection stations and electrical distribution.</p> <p>The following regulations shall apply to all mobile homes in mobile home parks:</p> <p>316.01 Mobile home park area, not less than five (5) acres, with ten (10) percent of total area for recreational purposes.</p>		<p>Remove mobile home park section. This approach to housing planning and regulation is outdated. Replace with Planned Unit Development which will allow for more dense single and multi-unit housing of various types including mobile homes, while conserving open space which is prioritized in the Town Plan.</p>

<p>316.02 Mobile home lots shall be at least eight thousand (8,000) square feet in area, with a minimum width of at least sixty (60)</p> <p>316.03 Access driveways shall have a right-of-way at least fifty (50) feet wide and a compacted gravel surface that is at least twenty-four (24) feet wide and twelve (12) inches deep.</p> <p>316.04 Parking, at least two (2) spaces for each lot.</p> <p>316.05 A strip of land at least fifty (50) feet in width shall be maintained as a landscaped area abutting all mobile park property lines.</p> <p>316.06 No mobile home shall be parked on a lot closer than ten (10) feet to a lot line.</p> <p>316.07 No additions shall be made to a mobile home except a canopy, an enclosed porch, or an addition made by a mobile home manufacturer.</p> <p>316.08 Not more than two (2) accessory buildings will be permitted per mobile home.</p>		
<p>§313: Extraction of Soil, Sand and Gravel</p> <p>The removal of soil, sand or gravel for sale shall be permitted only upon approval of a plan for the rehabilitation of the site by the Planning Commission and the posting of a bond to assure rehabilitation</p>	<p><b><u>§908 Natural Resource Extraction</u></b></p> <p>908.01 Applicability. Commercial extraction of earth resources including solids such as sand and gravel, liquids such as water, and gases such as natural gas, and including preparation activities such as crushing and washing, requires Conditional Use Review and Approval.</p> <p>908.02 Supplemental Application Requirements. Before approval may be granted, the applicant shall:</p> <p style="padding-left: 40px;">A) submit a plan showing existing and proposed finished grades noting areas</p>	

	<p>during and after extraction that will create stormwater runoff and how this runoff will infiltrate on site. The plan will demonstrate that the site will be left in a usable condition.</p> <p>B) agree to cover the finished grades, except exposed ledge rock, with at least 3 inches of topsoil and seed with a suitable crop cover upon completion of the operation.</p> <p>C) post bond with the Town Treasurer sufficient to guarantee such restoration of the site, if required by the Development Review Board (see also §4464 of the Act).</p> <p>908.03 Review Standards. In determining Conditional Use approval, Performance Standards in §501 shall apply. The Development Review Board shall also consider impacts to roads and other infrastructure in its decision.</p>	
	<p><b><u>§909 Personal Helipads and Landing Strips</u></b> Conditional Use Review and approval is required for personal helipads and landing strips in all Zoning Districts. These uses must meet the Performance Standards in §501. The Development Review Board may stipulate conditions including, but not limited to, extended setbacks from property lines and hours of operation.</p>	<p>New section to address issues that have come up in other towns and is increasingly likely. This is a recommendation in the Town Plan, “Develop Zoning Bylaw provisions for siting private helipads.”</p>
	<p><b><u>§910 Food Trucks and Temporary Food Service</u></b> In addition to Vermont Department of Public Health license or approval, a food truck or other temporary food service provider that will serve</p>	<p>New section to address issues that have come up in other towns and is increasingly likely.</p>

	<p>food to the general public at the same publicly accessible location for more than 3 days in any month shall obtain a Zoning Permit. A licensed caterer at a private event does not require a Zoning Permit.</p> <p>An operator of a food truck or food service provider shall:</p> <ul style="list-style-type: none"> <li>A) not be located or parked to obstruct any portion of the travelled way and shall be located outside the public right of way.</li> <li>B) provide a map with the Zoning Permit Application showing ingress and egress from a public road with a clear line of sight at least 50 feet in both directions at the temporary location.</li> </ul>	
	<p><b><u>§911 Accessory On-Farm Business</u></b></p> <p>In accordance with 24 V.S.A. 4412(11) Accessory On-Farm Businesses (AOFB) shall be permitted on the same lot as an agricultural enterprise. An application for AOFB is subject to Site Plan Review according to the Table of Uses and must be submitted to the DRB for Site Plan Review. The DRB will evaluate the suitability of the site, focusing on access, internal circulation, and parking for vehicles; landscaping and screening; exterior lighting, sign design, and the criteria listed for Site Plan Review §503 and Performance Standards §501.</p>	<p>New section to encourage farm businesses and include new State regulations. The Town Plan states “Ensure zoning is flexible enough to allow agricultural diversification” and “Encourage new businesses that fit well with the character of the Town, especially new value-added businesses that utilize the products of local farms.”</p>
	<p><b><u>§912 Public and Private Large Events</u></b></p> <p>A Zoning Permit shall be required for events that anticipate or are planned for a capacity of more than 500 people or 100 cars.</p>	<p>New Section</p>

	<p>Review standards for such an event are the following:</p> <ul style="list-style-type: none"> <li>A) Performance Standards (see §501)</li> <li>B) adequate parking for estimated attendance</li> <li>C) potable water supply and wastewater sanitation, for example portable toilets and hand wash stations</li> <li>D) liability coverage for life and property</li> <li>E) provisions to prevent erosion and remediate ground disturbance</li> </ul>	
	<p><b><u>§913 Repurposed Shipping Containers or Transportation Equipment</u></b></p> <p>Shipping containers, box trailers, buses and other new or used equipment and other portable storage equipment with a footprint greater than 100 square feet used as storage or used as an accessory structure shall have a Zoning Permit according to its use and will be regulated as a permanent structure.</p>	<p>New to provide clarity on an issue that arises often. Town Plan states “Review and amend Bylaws to site portable storage structures such as shipping containers and metal framed/fabric covered sheds”</p>
	<p><b><u>§914 Short Term Rentals</u></b></p> <p>914.01 Applicability. Conditional Use Review and Approval and Site Plan Review and approval shall be required to operate a short term rental offering sleeping accommodations to the public in exchange for payment if stays are for fewer than 30 consecutive days and the total number of rentals in a calendar year is 15 or more days.</p> <p>Short term rentals may be operated by a private person or an organization.</p>	<p>New to provide clarity on an issue that arises often. Protect the right of a resident to rent part of their home, and at the same time require review for more than one short term rental since that will more likely impact neighboring properties.</p>

	<p><b>914.02 Exemptions.</b>  A resident owner, or other permanent resident may have one short term rental unit that is a portion of their dwelling or an accessory dwelling unit, permitted as a home occupation. The primary use of the property remains a single household dwelling and is not considered a short term rental under this Bylaw. A dwelling with two (2) or more short term rental units requires Conditional Use Review.</p> <p><b>914.03 Application Requirements</b>  In addition to the requirements for Conditional Use Review, applications for Short Term Rentals shall include:</p> <ul style="list-style-type: none"> <li>A) proof of Insurance</li> <li>B) completed self-checklist for rental accommodations available from the Vermont Division of Public Safety</li> <li>C) inspection by the Division of Fire Safety</li> <li>D) copy of the Potable Supply and Wastewater Permit issued by DEC, or documentation that the property is exempt from the requirement</li> </ul> <p><b>914.04</b> Regardless of the need for a Zoning Permit, the State of Vermont Rooms and Meals tax applies to all forms of guest lodging.</p>	
--	--	--

**The following sections on Telecommunication Facilities, Solar Energy Conversion Systems, Wind Energy Conversion Systems, Planned Unit Development, and Special Flood Hazard Area Regulations are large and difficult to view in a three-column table. Information about proposed changes in these sections are presented as follows:**

**1. A description of significant changes proposed for the section**

**2. The existing language if the section is in the current Zoning Bylaw with a grey background**

**3. The proposed language for the section in the revised Zoning Bylaw with no background (white)**

### **Telecommunication Facilities**

#### **1. A description of significant changes proposed for the section on Telecommunication Facilities**

The Town Plan states “All telecommunications facilities shall be located in appropriate areas, respecting the integrity of residential areas, aesthetic concerns, and natural resource issues. Through the Zoning Bylaws, the Town may specify areas where these facilities may be located.” The proposed revision lists the most preferred siting locations in a new order, to emphasize that new antennae are to be sited on existing structures whenever possible.

Include modern terminology for communications towers and antennas specifically. Use term “communications” instead of “wireless telecommunications” and title the Article “Communications Antenna and Towers.”

Include statement about consistency with state law in addition to federal law

Remove temporary structure as an option

Add ski area exemption according to VT Statute

Exemption for municipal radio dispatch antenna is currently 100 ft high tower. Change this to 35 feet to be consistent with the rest of the Bylaw, and provide a provision to request height exemption.

Remove pre and post monitoring protocols; these are not feasible or meaningful measurements for the Development Review Board. The Town has not required pre and post testing for existing facilities.

Remove option for amendment to be consistent with rest of Bylaw. Any changes or additions require a new permit application. The amendment process for telecommunications facilities in the current Bylaw incorporates a good deal of judgement for the Zoning Administrator to exercise which is beyond the scope of the Zoning Administrator’s role.

Simplify the stipulation for removal of facilities.



Remove separate lighting, signage, and noise specifications for facilities and combine these with the list of construction standards. Streamline the requirements overall into a list of standards and a list of criteria the Development Review Board will use for consideration of an application with reference to the Performance Standards for this type of development.

Remove reference to 24 V.S.A. § 4461(c) as basis for payment to consultant being the responsibility of the applicant. 24 V.S.A. § 4461(c) states that consultants may be employed, and that members of committees may be compensated for their work. It does not empower the municipality to make this work a direct cost for the applicant.

Remove notification of the town clerk, maintenance, and insurance requirements. They are not currently meaningful or enforced.

Remove fees section. We do not currently have a schedule of fees specifically for communications facilities.

## **2. The existing language for Telecommunication Facilities in the Zoning Bylaw**

### **§324: Telecommunication Facilities**

324.01 Purposes: The purposes of this bylaw are to advance the objectives of the Westfield Town Plan, to protect the public health, safety and general welfare of the Town of Westfield, and to accommodate the communication needs of the community. This bylaw shall:

- A. Preserve the character and appearance of the Town of Westfield while allowing adequate telecommunications services to be developed.
- B. Protect the scenic, historic, environmental and natural resources of the Town of Westfield.
- C. Provide standards and requirements for the operation, siting, design, appearance, construction, monitoring and removal of telecommunications facilities and towers.
- D. Minimize tower and antenna proliferation by requiring the sharing of existing telecommunications facilities, towers and sites where possible and appropriate.
- E. Facilitate the provision of telecommunications services to the community.
- F. Minimize the adverse visual effects of telecommunications facilities and towers through careful design and siting standards.
- G. Encourage the location of towers and antennas in non-residential areas and away from other sensitive areas such as those that have schools and child care facilities.

324.02 Authority: Pursuant to 24 V.S.A. § 4401 et seq. the Planning Commission of the Town of Westfield is authorized to review, approve, conditionally approve, and deny applications for wireless telecommunications facilities, including sketch, preliminary and final plans, and installation. Pursuant to 24 V.S.A. § 4461(c), the Board is authorized to hire qualified persons to conduct an independent technical review of applications and to require the applicant to pay for all reasonable costs thereof.

324.03 Consistency with Federal Law: In addition to other findings required by this bylaw, the Board shall find that its decision regarding an application is intended to be consistent with federal law, particularly the Telecommunications Act of 1996. The bylaw does not:

- A. Prohibit or have the effect of prohibiting the provision of personal wireless services;

- B. Unreasonably discriminate among providers of functionally equivalent services; or
- C. Regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the Federal Communications Commission (FCC) regulations concerning such emissions.

324.04 Limitations: In accordance with 24 V.S.A. §4412(8), no permit shall be required for the placement of communication antennae and facilities used to transmit, receive, or transmit and receive communications signals on a property owner's premises if the aggregate area of the largest faces of the antennae is not more than eight square feet, and if the antennae and any mast support does not extend more than 12 feet above the roof of that portion of the building to which the mast is attached.

324.05 De Minimis Impacts: In accordance with 24 V.S.A. §4412(9), the Zoning Administrator shall review telecommunications facilities applications, and upon determining that a particular application will impose no impact or de minimis impact upon any criteria established in this bylaw, shall approve the application.

324.06 Permitted and Prohibited Locations: The following locations are ranked in order of preference and are encouraged:

- A. Personal wireless telecommunication facility sites that are most distant from single-family detached dwellings and schools.
- B. Where the visual impact of towers can be minimized by the use of camouflage, stealth design or other innovative measures to reduce, eliminate or disguise the negative visual impact.
- C. Existing personal wireless telecommunication facility(s).
- D. Existing antenna/tower sites.

Additionally, freestanding telecommunications towers or antennas over 20 feet in elevation may not be located in any of the following locations:

- A. The habitat of any State listed Rare or Endangered Species.
- B. Closer than 'tower height plus one-hundred (100) feet' horizontally to the boundary of the property on which the tower is located.
- C. Closer than 'tower height plus one-hundred (100) feet' horizontally to any structure existing at the time of the application which is used as either a primary or secondary residence, to the property of any school, or to any other building.
- D. Within 'tower height plus one-hundred (100) feet' horizontally of any river or perennial stream.
- E. Within 'tower height plus one-hundred (100) feet' horizontally of any publicly maintained road.

**324.07 Small Scale Facilities:** The placement of wireless telecommunications antennas, repeaters and installation of ground facilities less than twenty (20) feet in height, may be approved by the Administrative Officer, provided the facility meets the applicable requirements of this bylaw, upon submission of:

- A. A final site and building plan.
- B. A report prepared by a qualified engineer indicating the structure's suitability for the telecommunications facility.

However no such device may be located closer than 50' to an existing residence.

**324.08 Application Requirements for Personal Wireless Telecommunication Facilities Not Covered Under Section 326.07:** An applicant for a permit must be a personal wireless service provider or FCC licensee, or must provide a copy of its executed contract to provide land or facilities to such an entity, to the Administrative Officer at the time that an application is submitted. A permit shall not be granted for a tower or facility to be built on speculation.

No construction, alteration, modification (including the installation of antennas for new uses) or installation of any wireless telecommunications tower or facility shall commence without a conditional use permit first being obtained from the Planning Commission.

In addition to information otherwise required in the Town of Westfield's Zoning Bylaws, applicants for wireless telecommunications towers or facilities shall include the following supplemental information:

- A. The name and address of the applicant, the record landowners and any agents of the landowners or applicants as well as an applicant's registered agent and registered office. If the applicant is not a natural person, the name and address of the business and the state in which it is incorporated and has its principal office shall be provided.
- B. The name, address and telephone number of the person to be contacted and who is authorized to act in the event of an emergency regarding the structure or safety of the facility.
- C. The names and addresses of the record owners of all abutting property.
- D. A report from qualified engineers that:
  - i. Describes the facility height, design and elevation.
  - ii. Documents the height above grade for all proposed mounting positions for antennas to be collocated on a telecommunications tower or facility and the minimum separation distances between antennas.
  - iii. Describes the tower's proposed capacity, including the number, height and type(s) of antennas that the applicant expects the tower to accommodate.
  - iv. In the case of new tower proposals, demonstrates that existing telecommunications sites and other existing structures, or other structures proposed by the applicant within five (5) miles of the proposed site cannot

reasonably provide adequate coverage and adequate capacity to the Town of Westfield. The documentation shall include, for each facility site or proposed site within such radius, the exact location, ground elevation, height of tower or structure, and sufficient additional data to allow the independent reviewer to verify that other locations will not be suitable.

- v. Demonstrates that the applicant has analyzed the feasibility of using repeaters or micro-cells in conjunction with all facility sites to provide coverage to the intended service area.
- vi. Describes potential changes to those existing facilities or sites in their current state that would enable them to provide adequate coverage.
- vii. Describes the output frequency, number of channels, sector orientation and power output per channel, as appropriate for each proposed antenna.
- viii. Includes a written explanation for use of the proposed facility, including reasons for seeking capacity in excess of immediate needs if applicable, as well as plans for additional development and coverage within the Town.
- ix. Provides assurance that at the proposed site the applicant will establish and maintain compliance with all FCC rules and regulations, particularly with respect to radio frequency exposure. The Planning Commission may hire independent engineers to perform evaluations of compliance with the FCC regulations, standards and requirements on an annual basis at unannounced times.
- x. Includes other information required by the Board that is necessary to evaluate the request. Includes an engineer's stamp and registration number, where appropriate.
- xi. A letter of intent committing the facility owner and his or her successors to permit shared use of the facility if the additional user agrees to meet reasonable terms and conditions for shared use.

E. For a facility to be installed on an existing structure, a copy of the applicant's executed contract with the owner of the existing structure (to be provided to the Administrative Officer at the time an application is submitted).

F. To the extent required by the National Environmental Policy Act (NEPA) as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the proposed facility.

G. A copy of the application or draft application for an Act 250 permit, if applicable.

H. The permit application shall be signed under the pains and penalties of perjury.

**324.09 Site Plan Requirements for Personal Wireless Telecommunication Facilities Not Covered Under Section 326.07:** In addition to site plan requirements found elsewhere in the Town of Westfield's Zoning Bylaws, site plans for wireless telecommunications facilities shall include the following supplemental information:

- A. Location Map: a copy of a portion of the most recent USGS Quadrangle map showing the area within at least a two-mile radius of the proposed facility site.
- B. Vicinity Map showing the entire vicinity within a 2500-foot radius of the facility site, including the facility or tower, topography, public and private roads and driveways, buildings and structures, water bodies, wetlands, landscape features, and habitats for endangered species. It shall indicate the property lines of the proposed facility site parcel and all easements or rights of way needed for access from a public way to the facility.
- C. Proposed site plans of the entire development indicating all improvements including landscaping, utility lines, guy wires, screening and roads.
- D. Elevations showing all facades and indicating all exterior materials and color of towers, buildings and associated facilities.
- E. Computer generated photo simulations of the proposed facility showing the facility from all public rights-of-way and any adjacent property from which it may be visible. Each photo must be labeled with the line of sight, elevation and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.
- F. In the case of a proposed site that is forested, the approximate average height of the existing vegetation within two hundred (200) feet of the tower base.
- G. Construction sequence and time schedule for completion of each phase of the entire project.

Plans shall be drawn at a minimum at the scale of one (1) inch equals fifty (50) feet.

**324.10 Collocation Requirements:** An application for a new wireless telecommunications facility shall not be approved unless the Planning Commission finds that the facilities planned for the proposed structure cannot be accommodated on an existing or approved tower or structure due to one of the following reasons:

- A. The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved tower or facility, as documented by a qualified engineer licensed to practice in the State of Vermont. Additionally, the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.

- B. The proposed antennas and equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility as documented by a qualified engineer and such interference cannot be mitigated at a reasonable cost.
- C. The proposed antennas and equipment, alone or together with existing facilities, equipment or antennas, would create excessive radio frequency exposure.
- D. Existing or approved towers and structures cannot accommodate the planned equipment at a height necessary to function reasonably or are too far from the area of needed coverage to function reasonably as documented by a qualified engineer.
- E. Aesthetic reasons make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or building.
- F. There is no existing or approved tower in the area in which coverage is sought.
- G. Other unforeseen specific reasons make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or building.

Towers must be designed to allow for future placement of antennas upon the tower and to accept antennas mounted at varying heights when overall permitted height allows. Towers shall be designed structurally and in all other respects to accommodate both the applicant's antennas and additional antennas when overall permitted height allows.

324.11 Access Roads and Above Ground Facilities: Where the construction of new personal wireless telecommunications towers and facilities requires construction of or improvement to access roads, to the extent practicable, roads shall follow the contour of the land. Utility or service lines shall be designed and located so as to minimize or prevent disruption to the scenic character or beauty of the area. The Town may require closure of access roads to vehicles following facility construction where it is determined that site conditions warrant the same and where maintenance personnel can reasonably access the facility site on foot.

324.12 Tower and Antenna Design Requirements: Proposed facilities shall not unreasonably interfere with the view from any public park, scenic view, or major view corridor. Height and mass of facilities shall not exceed that which is essential for the intended use and public safety.

- A. Towers, antennas and any necessary support structures shall be designed to blend into the surrounding environment through the use of color camouflaging and architectural treatment, except in cases in which the Federal Aviation Authority (FAA), state or federal authorities have dictated color. Use of stealth design, including those which imitate natural features, may be required in visually sensitive locations.
- B. In order to protect public safety and to preserve the scenic character and appearance of the area, the height limit for towers, antennas and tower-related fixtures shall be not more than fifteen (15) feet above the average height of the tree line measured within one hundred (100) feet of the highest vertical element of the

telecommunications facility. Notwithstanding the above, additional height may be approved upon a finding by the Planning Commission that the additional height is necessary in order to provide adequate coverage in the Town of Westfield or to accomplish collocation of facilities and that the additional height will not cause an undue visual impact on the scenic character or appearance of the area.

C. Towers, antennas and any necessary support structures shall be designed to avoid having an undue adverse impact aesthetic impact on prominent ridgelines and hilltops. In determining whether a tower's aesthetic impact would be undue and adverse, the Board will consider:

- i. the period of time during which the proposed tower would be viewed by the traveling public on a public highway;
- ii. the frequency of the view experienced by the traveling public;
- iii. the degree to which the tower would be screened by existing vegetation, the topography of the land, and existing structures;
- iv. background features in the line of sight to the proposed tower that obscure the facility or make it more conspicuous;
- v. the distance of the proposed tower from the view point and the proportion of the facility that is visible above the skyline;
- vi. the sensitivity or unique value of a particular view affected by the proposed tower;
- vii. significant disruption of a view corridor that provides context to a historic or scenic resource.

The Board shall have the authority to impose conditions consistent with the purpose of this section in approving a proposed facility. Furthermore, the Board may designate an alternative location for the tower to be evaluated by the applicant if it is determined that the proposed location would result in undue adverse aesthetic impacts. In consideration of this, the applicant may revise its application to include such a site, assuming it is available to the applicant and reasonably-technically feasible to meet the applicant's communication objectives.

D. All buildings and structures accessory to a tower (except for electric power poles where specifically exempted by the Board) shall meet the minimum setback requirements of the underlying zoning district or setback requirements specified in this bylaw. If the minimum setbacks of the underlying zoning district are less than the height of the tower, including antennas or other vertical appurtenances, the minimum horizontal distance from the tower to any property line shall be no less than the height of the tower plus one-hundred (100) feet, including antennas and other vertical appurtenances.

- E. Ground mounted equipment or antennas as well as buildings and structures accessory to a tower shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better complements the architectural character of the surrounding neighborhood. A planted or vegetative screen shall be a minimum of ten (10) feet in depth with a minimum height of six (6) feet and shall have the potential to grow to a height of at least fifteen (15) feet at maturity. Existing onsite vegetation outside the immediate site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized unless the disturbance is demonstrated to result in less visual impact on the facility from surrounding properties and other vantage points.

**324.13 Amendments to Existing Personal Wireless Telecommunications Facility Permit:** An alteration or addition to a previously approved wireless telecommunications facility shall require a permit amendment when any of the following are proposed:

- A. Change in the number of buildings or facilities permitted on the site;
- B. Addition or change of any equipment resulting in greater visibility or structural wind loading, or additional height of the tower, including profile of additional antennas, not specified in the original application.

**324.14 Tower Lighting and Signage; Noise Generated By Facility:** Unless required by the Federal Aviation Administration (FAA), no lighting of towers is permitted. In any case where a tower is determined to need obstruction marking or lighting, the applicant must demonstrate that it has or will request the least visually obtrusive marking and/or lighting scheme in FAA applications. Copies of required FAA applications shall be submitted by the applicant. Heights may be reduced to eliminate the need for lighting or another location selected.

No commercial signs or lettering shall be placed on a tower or facility. Signage shall be limited to that required by federal or state regulation.

The Board may impose conditions to minimize the affect of noise from the operation of machinery or equipment upon adjacent properties.

**324.15 Temporary Wireless Communication Facilities:** Any wireless telecommunications facility designed for temporary use is subject to the following:

- A. Use of a temporary facility is permitted only if the owner has received a temporary use permit from the Town of Westfield.
- B. Temporary facilities are permitted for no longer than five days use during a special event.
- C. The maximum height of a temporary facility is fifty (50) feet from grade.
- D. Temporary facilities must comply with all applicable sections of these regulations.

**324.16 Monitoring and Evaluation of Compliance:** Pre-testing and post-testing (including monitoring) shall be required.



- A. Pre-testing: Prior to beginning operation of the wireless telecommunication facility, the applicant shall pay for an independent licensed radio frequency engineer to monitor the background levels of non-ionizing radiofrequency radiation around the proposed facility site and/or any repeater locations to be used for the applicant's wireless telecommunication facility. The radio frequency engineer shall use the monitoring protocol (Cobbs Protocol). A report of monitoring results shall be prepared by the radio frequency engineer and submitted to the Selectboard, Administrative Officer, the Planning Commission, and the Town Clerk.
- B. Annual Post-testing: Within thirty (30) days of the first transmission (and annually thereafter) from any new or modified telecommunications facility, or upon activation of any additional permitted channels, the owner(s) of any wireless telecommunication facility(s) shall submit reports prepared by an independent qualified telecommunications or radiofrequency engineer(s) regarding any non-ionizing radiofrequency radiation exposure at the facility site as well as from repeaters (if any). These annual reports shall be submitted to the Selectboard, the Westfield Board of Adjustment, the Planning Commission, the Town Clerk, and abutting property owners, within thirty (30) days of the anniversary of the first transmission.
- C. Excessive Exposure: Should the monitoring of a facility site reveal that the site exceeds the current FCC standard and guidelines, the owner(s) of all facilities utilizing that site shall be so notified. In accordance with FCC requirements, the owner(s) must immediately reduce power or cease operation as necessary to protect persons having access to the sites, tower or antennas. Additionally, the owner(s) shall submit to the Westfield Board of Adjustment and the Administrative Officer a plan for the correction of the situation that resulted in excessive exposure.
- D. Structural Inspection: The tower owner(s) shall pay for an independent licensed professional structural engineer to conduct inspection of the tower's structural integrity and safety. Pre-existing guyed towers shall be inspected every three (3) years. Monopoles and non-guyed lattice towers shall be inspected every five (5) years. A report of the inspection results shall be prepared by the structural engineer and submitted to the Selectboard, the Westfield Zoning Board of Adjustment, the Planning Commission and the Town Clerk. Any modification of an existing facility that increases tower dimension or antenna numbers or type shall require a new structural inspection.
- E. Unsafe Structure: Should the inspection of any tower reveal any structural defect(s) that, in the opinion of the independent structural engineer, render(s) the tower unsafe, the following actions shall be taken. Within ten (10) business days of written notification of unsafe structure, the owner(s) of the tower shall submit a plan to remediate the structural defect(s). This plan shall be initiated within ten (10)

business days of the submission of the remediation plan and completed as soon as reasonably possible.

**324.17 Facility Removal:** Abandoned, unused, obsolete, or noncompliant towers or facilities governed under this bylaw shall be removed as follows:

- A. The owner of a facility/tower shall annually, on January 15, file a declaration with the Town of Westfield's Administrative Officer certifying the continuing safe operation of every facility/tower installed subject to these regulations. Failure to file a declaration shall mean that the facility/tower is no longer in use and considered abandoned.
- B. Abandoned or unused towers or facilities shall be removed within 180 days of cessation of operations at the site unless a time extension is approved by the Planning Commission. In the event the tower or facility is not removed within 180 days of the cessation of operations at a site, the municipality shall notify the owner and may remove the tower or facilities. Costs of removal shall be assessed against the property or tower owner.
- C. Towers and facilities which are constructed in violation of permit conditions or application representations shall be removed within 180 days of cessation of operations at the site unless a time extension or negotiated solution is approved by the Planning Commission. In the event the tower or facility is not removed within 180 days of notification of such a violation, the municipality may remove the tower or facilities. Costs of removal shall be assessed against the property or tower owner.
- D. An owner who has failed to file an annual declaration with the Administrative Officer by January 15 may, by February 15, file a declaration of use or intended use and may request the ability to continue use of the facility/tower.
- E. The Applicant shall, as a condition of the conditional use permit, provide a financial surety bond payable to the Town of Westfield and acceptable to the Board to cover the cost of removal of the facility and remediation of the landscape, should the above clauses be invoked.

**324.18 Maintenance Requirements:** The Applicant shall maintain all facilities. Such maintenance shall include, but not be limited to painting, structural integrity and landscaping. In the event the applicant fails to maintain the facility, the Town of Westfield may undertake such maintenance at the expense of the applicant or landowner.

**324.19 Insurance Requirements:** The facility owner shall maintain adequate insurance on all facilities.

**324.20 Fees:** A schedule of fees for personal wireless telecommunication facilities permitting and renewal, any monitoring of exposure and inspection of structures, and any other fees shall be established by the Westfield Selectboard as provided for in §4440(b). This schedule may be amended from time to time.

### **3. The proposed language for Communication Antennas and Towers in the revised Zoning Bylaw**

#### **§915 Communications Antennas and Towers**

##### **915.01 Purpose**

The purpose of the section, in accordance with the Westfield Town Plan, is to protect the public health, safety and general welfare of the Town of Westfield including the following:

- A) minimize the impacts of communication facilities on surrounding areas by establishing standards for location, structural integrity and compatibility
- B) accommodate the need and demand for communications facilities
- C) encourage the location and co-location of communications equipment on existing structures in order to minimize visual, aesthetic, public safety and ecological impacts and reduce the need for additional towers
- D) provide for the replacement and/or removal of nonconforming or discontinued antennas and towers
- E) respond to the policies of the Telecommunications Act of 1996 by not unreasonably discriminating between providers of functionally equivalent personal wireless service and not effectively prohibiting provision of personal wireless service in the Town of Westfield

##### **915.02 Applicability.**

Except as specifically exempted in 915.04, Conditional Use Review, Site Plan Review, and the standards of this section in accordance with 24 V.S.A. §4412(8)(D), apply to the installation, construction, or modification of the following communications facilities:

- A) existing and proposed antennas and towers
- B) replacement antennas and towers
- C) broadcast antennas and towers
- D) co-located and combined antennas on existing towers
- E) roof-mounted antennas and supporting structures
- F) surface-mounted antennas
- G) antennas mounted on utility poles, including utility poles located within public rights-of-way
- H) stealth wireless communications facilities

##### **915.03 Consistency with Federal and State Laws**

The Development Review Board shall include in written findings that its decision regarding an application is intended to be consistent with federal law, particularly the Telecommunications Act of 1996. This Bylaw does not:

- A) prohibit or have the effect of prohibiting the provision of personal wireless services.
- B) unreasonably discriminate among providers of functionally equivalent services.
- C) regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the Federal Communications Commission (FCC) regulations concerning such emissions.

#### 915.04 Exemptions.

- A) The following require a Certificate of Public Good from the Vermont Public Utility Commission which preempts these regulations:
  - 1. placement of communication antennas and towers on electric transmission or generation facilities
  - 2. single application to construct or install 3 or more communications facilities, each at least 50 ft above ground level, within 3 years as part of a network
- B) No permit shall be required for antennae with an aggregate area of not more than fifteen (15) square feet on the largest face, and which are on masts that extend not more than twelve (12) feet above the specific roof area to which they are attached, and are not located on historic landmarks, and are on structures that are exempt from these regulations.
- C) No permit shall be required for communication antennas and towers that are used exclusively for municipal radio dispatch service or emergency radio dispatch service and do not exceed 35 feet in height. If the facility exceeds 35 feet in height, the structure is exempt from the additional review requirements of this section, however, a Zoning Permit is required with Conditional Use Review §502 to exceed the maximum height for a structure.
- D) In accordance with 24 V.S.A. §4412(8)(B), the placement of communications antenna less than twenty (20) feet in height with a primary function to transmit or receive communication signals for commercial, industrial, institutional, nonprofit, or public purposes shall not be regulated if it is located on a conforming structure within a downhill ski area.

#### 915.05 De Minimis Impact.

The Zoning Administrator may approve and issue a Zoning Permit for an application for a communication antenna or tower if it conforms to all applicable provisions of these regulations and imposes no or de minimis impact on any criteria established in these regulations. The Zoning Administrator will only consider an application to have a de minimis impact if it meets all of the following:

- A) The height and width of the facility or tower, excluding equipment, antennas or ancillary improvements, will not increase.
- B) The total amount of impervious surface, including access roads, associated with the facility or tower will not increase by more than 300 square feet.
- C) Any addition, modification or replacement of an antenna or other equipment will not extend vertically more than 10 feet above and horizontally more than 10 feet out from the facility or tower as currently configured.
- D) Any additional or replacement equipment, antennas or ancillary improvements, excluding cabling, will not increase the aggregate surface area of the faces of the equipment, antennas or ancillary improvements on the facility or support structure by more than 75 square feet, and will not exceed the loading capacity of the support structure.

#### 915.06 Application Requirements.

In addition to application requirements for Conditional Use Review and Site Plan Review, applicants for the installation, construction or modification of any communication antenna or tower must submit the following to demonstrate compliance with the provisions of this section:

- A) name and address of the applicant, facility owner, landowner of record, and contact information for the person(s) authorized to operate, maintain and ensure the safety of the facility
- B) report from a qualified, licensed professional engineer, documenting: facility height, construction design and capacity, including materials, cross-sections, elevations, potential mounting locations, and

fall zones; potential changes to existing facilities; number of channels and output power and frequency

- C) signed statement from the facility's owner or owner's agent stating that the radio frequency interference (RFI) and radio frequency radiation (RFR) emissions will comply with Federal Communications Commission (FCC) standards
- D) proof that the proposed facility has been designed to withstand sustained winds of 110 mph and a 15-second wind gust of 130 mph
- E) proof that any proposed tower will be designed so that, in the event of a structural failure, it will collapse within the boundaries of the lot on which it is located
- F) FCC license, and construction development approval if applicable, to transmit radio signals in the Town of Westfield
- G) name, address and telephone contact information for the owner of any proposed or existing tower, and a statement that such information will be updated if there is a change
- H) stamped structural analysis of the proposed facility prepared by a professional engineer, indicating the proposed and future loading capacity of any tower
- I) proof of compliance with Federal Aviation Administration regulations of objects affecting navigable airspace
- J) propagation map and description of the coverage area to be served by the proposed facility showing existing topography, existing and proposed coverage(s), location of other towers, suitable buildings or structures located within 5 miles of the proposed site, a site plan drawn to scale (1 inch equals 50 feet) showing the footprint of existing and proposed facilities, access roads, utility corridors, and landscaping, fencing and screening
- K) map and description of the search area used to locate the proposed facility and information regarding the availability of existing towers and buildings located within a 5-mile site search ring for the proposed site, including documentation from other tower owners within the search ring that no suitable sites are available
- L) statement by a qualified professional engineer specifying the design structural failure modes of the proposed facility
- M) antenna heights and power levels of the proposed facility and all other facilities on the subject property
- N) letter of intent committing the Facility owner and its successors to permit shared use of any tower if the additional users agree to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards and requirements and the provisions of this Bylaw and all other applicable laws
- O) plan to mitigate soil disturbance and invasive species control methods that will be used including information on any planned herbicide use, and prevention and mitigation of runoff
- P) a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the Facility to the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, or a written statement by the applicant that an EA is not required for the facility

#### 915.07 Siting Priorities and Prohibited Locations.

The Development Review Board will only approve a new tower upon the applicant demonstrating that the proposed antenna cannot be accommodated on an existing tower, building or other structure or by construction of a stealth facility. To justify the construction of new tower, the applicant must provide a statement of position, qualifications and experience by a licensed radio frequency engineer demonstrating that the alternatives below (listed in order of preference) do not constitute feasible alternatives:

- A) co-located or combined antennas
- B) surface-mounted antennas
- C) roof-mounted antennas
- D) stealth communications facilities

#### Prohibited Locations

- A) habitat of any State listed Rare or Endangered Species
- B) closer than 1.5 times its height from all other structures (not including structures accessory to the tower), property lines, road rights-of-way, surface waters, and above ground utility rights-of-way
- C) within 1500 feet of an existing structure used as a dwelling
- D) within 1500 feet of a property line of a school
- E) located in a manner that it poses, in the sole opinion of the DRB, a threat to public safety
- F) in the Village Zoning District
- G) in the Residential/Recreational Zoning District

#### 915.08 Construction Standards

Communication Antennas and Towers shall conform to the following construction standards:

- A) The facility will not be built on speculation. If the applicant is not a Wireless Telecommunication Service Provider, the applicant shall provide a copy of a contract or letter of intent showing that a Wireless Telecommunication Service Provider is legally obligated to locate communication antennas and towers on lands owned or leased by the applicant.
- B) The facility shall be designed, in the sole opinion of the DRB, to blend into the surrounding environment to the greatest extent feasible using natural topography, existing vegetation, landscaping and screening, the use of compatible materials and colors, and other camouflaging techniques. The facility will not interfere with the view from a public park, natural scenic vista, historic building or district, or scenic view. The DRB, to assist in its review, may require that the applicant provide a visual impact assessment of the proposed facility from specified vantage points, to include visual representations (i.e. photographic simulations) and/or field tests (i.e. balloon tests.)
- C) The Development Review Board may require the applicant to provide a bond, or other form of financial guarantee acceptable to the Board, to cover the cost of removal of the Facility, should the facility be abandoned or cease to operate.
- D) The applicant shall demonstrate that the facility will comply with all FCC standards and requirements regarding radio frequency radiation.
- E) The facility will not have signs, except to be properly identified with warnings indicating the presence of radio frequency radiation.
- F) The facility shall provide reasonable opportunity for the installation and operation of other communications equipment.
- G) Unless otherwise approved by the Development Review Board, an abandoned or unused communications antenna or tower shall be removed within 2 years of abandonment or cessation of use. The applicant may apply to the Development Review Board for an extension for removal. If the antenna or tower is not removed, or an extension granted, within 2 years of abandonment or cessation of use, the Development Review Board may cause the structure to be removed. The costs of removal shall be assessed against the owner. Unused portions of communication antennas and

towers shall be removed within 1 year of the time that such portion is no longer used. Replacement of portions of a facility previously removed shall require a new permit.

- H) The communications antenna and tower will not project more than 20 feet above the average elevation of the tree line measured within 50 feet of the highest vertical element of structure unless the proposed elevation is reasonably necessary to provide adequate service capacity or coverage or to facilitate installation and operation of facilities.
- I) The communications antenna or tower will not create glare, flicker, or be illuminated by artificial means and will not display any lights or signs except for such lights and signs as required by Federal Aviation Administration, federal or state law, or this Bylaw.

## **Solar Energy Conversion Systems**

### **1. A description of significant changes proposed for Solar Energy Conversion Systems**

New section to clarify that ground and roof mounted solar panels are permitted in all Districts. Create clear standards to review medium scale projects and arrays.

### **2. The existing language for Solar Energy Conversion Systems in the Zoning Bylaw**

There is no section for Solar Energy Conversion Systems in the existing Zoning Bylaw.

### **3. The proposed language for Solar Energy Conversion Systems in the revised Zoning Bylaw**

## **§916 Solar Energy Conversion Systems**

916.01 Purpose. This section is to promote the conversion of solar energy to electricity for use in dwellings on site, near to where it is converted, and to minimize the impacts of solar facilities on the character of neighborhoods, on property values, on the scenic, historic, and environmental resources of the Town. It is also the purpose of this section to protect health and safety, while allowing solar energy technologies to be utilized.

### **916.02 Applicability**

Conditional Use Review, Site Plan Review, and the standards of this section apply to the installation, construction, or modification of solar arrays and solar array facilities to convert solar energy to electricity, except as specifically exempted in 916.03.

### **916.03 Exemptions**

- A) Ground mounted and roof top solar panels for home use are permitted as an accessory structure. All ground-mounted solar facilities shall be sited and screened so that visual impacts are mitigated when viewed from public streets, scenic viewpoints, and/or adjacent properties. These projects require a Zoning Permit and must meet setback requirements for the Zoning District in which they are located. These projects do not require Conditional Use Review or Site Plan Review.

- B) In accordance with 24 V.S.A. 4413(b) an electric generation facility, energy storage facility, or transmission facility requires a Certificate of Public Good and is regulated by the Public Utility Commission, which preempts this regulation.

#### 916.04 Application Requirements

In addition to application requirements for Conditional Use Review and Site Plan Review, applicants for the installation, construction or modification of any solar energy facility must submit the following to demonstrate compliance with the provisions of this section:

- A) name and address of the applicant, facility owner, landowner of record, and contact information for the person(s) authorized to operate, maintain, and ensure the safety of the facility
- B) report from a qualified, licensed professional engineer, documenting: facility height, construction design and capacity, including materials, cross-sections, elevations, potential mounting locations, and potential changes to existing facilities
- C) rendering of the plan illustrating any transient or persistent glare that will be cast to adjacent properties

#### 916.05 Siting Priorities and Prohibited Locations.

The Development Review Board will only approve a new solar facility upon the applicant demonstrating that the proposed array cannot be accommodated on an existing structure. The following areas are specifically identified as preferred siting for solar facilities:

- A) roof-mounted systems
- B) systems located in proximity to existing commercial or industrial buildings
- C) areas with no known or possible constraints that are near existing hedgerows or a topographical feature that naturally screen the entire proposed array
- D) former brownfields
- E) facilities that are sited in disturbed areas, such as gravel pits, or former quarries
- F) working farms, where more than 50% of the energy generated by the solar development is used by the farm
- G) other preferred areas as mapped on Westfield's solar resources map

#### Prohibited Locations:

- A) Rural Recreational and Conservation Zoning Districts
- B) areas identified as the Special Flood Hazard Area Overlay
- C) areas identified as the River Corridor Overlay

#### 916.06 Construction Standards

Solar Energy Conversion Facilities shall be designed, in the sole opinion of the DRB, to blend into the surrounding environment to the greatest extent feasible using natural topography, existing vegetation, landscaping and screening, the use of compatible materials and colors, and other camouflaging techniques. The facility will not interfere with the view from a public park, natural scenic vista, historic building or district, or scenic view. The DRB, to assist in its review, may require that the applicant provide a visual impact



assessment of the proposed facility from specified vantage points, to include visual representations (i.e. photographic simulations) and/or field tests (i.e. balloon tests.)

The Development Review Board may require the applicant to provide a bond, or other form of financial guarantee acceptable to the Board, to cover the cost of removal of the facility, should the facility be abandoned or cease to operate.

#### 916.07 Screening Requirements

Screening shall be year-round. If topography alone does not provide sufficient screening, a combination of materials (such as native trees and shrubs) shall be used to create a naturalized screen rather than a large expanse of uninterrupted, uniform material. Plantings that die or become diseased shall be replaced within six months. Screening for solar energy conversion facilities along North Hill Road shall be held to a higher standard where solar projects shall not be visible within one thousand (1000) feet of a passenger vehicle travelling on North Hill Road.

## **Wind Energy Conversion Systems**

### **1. A description of significant changes proposed for Wind Energy Conversion Systems**

Add exemptions section

Remove setback waiver that was based on neighbor agreement

Remove specific noise and lighting requirements and refer to the Performance Standards for all development.

Add requirement for an engineer to evaluate infrasound from a system.

Remove the constraint to remove a nonfunctional or inoperative system within 2 years. Replace with a requirement for removal only if the system is structurally unsound or creates a hazard. Removal will be required only for the structurally unsound components of the system within one year after it is identified as unsound or hazardous.

Add screening requirements to protect neighboring properties.

### **2. The existing language for Wind Energy Conversion Systems in the current Zoning Bylaw**

#### **§326: Wind Energy Conversion Systems**

This section provides basic design criteria intended to encourage the responsible use of wind energy conversion systems (WECS) consistent with the public safety. Any wind driven conversion or power generating facility, windmills and wind turbines that are being erected for personal use only shall conform to the following regulations. Any such facilities that are to be connected to the grid, including net metering systems, will be regulated under 30 VSA, § 248 and are exempt from the requirements of this bylaw.

326.01 Application Requirements: Applications shall contain the following information:

- A. The applicant's and property owner's name, address and phone number;
- B. Plot plan showing property lines, easements, setback lines and layout of all structures on the lot;
- C. Standard drawings of the structural components of the WECS, including structures, pole or tower, base, footings, guy lines where required, and guy line anchor bases. The drawing shall include the distance of these components from all property lines;
- D. Height of any structure over thirty-five (35) feet within a five hundred (500) foot radius on-site or off-site of the proposed WECS.
- E. Evidence from a qualified individual that the site is feasible for a WECS.
- F. Certification from a registered engineer or qualified person that the rotor and overspeed control has been designed for the proposed use on the proposed site.

326.02 Safety Requirements: The Town of Westfield promotes the effective and efficient use of WECS in a manner that the public health, safety and welfare of the neighboring property owners or occupants will not be jeopardized. To ensure that the use of the property will not result in material damage or prejudice to other properties in the area, the following requirements apply:

- A. The safety of the design of all WECS towers shall be certified by a professional engineer or by an authorized factory representative;
- B. All WECS shall be equipped with manual and automatic overspeed controls to limit rotation of blades to speed below the designed limits of the conversion system. The professional engineer or authorized factory representative shall certify that the rotor and overspeed control design and fabrication conform to good engineering practices.
- C. The WECS shall be designed and installed to withstand natural lightning strikes.
- D. Appropriate warning signs shall be posted. The type and placement of the signs shall be determined on an individual basis as safety needs dictate.
- E. It is the responsibility of the property owner or applicant to contact the FCC and FAA regarding additional permits.

#### 326.03 Setbacks:

- A. No part of the WECS shall be located within or above any required front, side, or rear setback area of the District in which it is located.
- B. The WECS shall be located at a distance of at least 1.25 times the height of the facility (measured from the base to the highest reach of the blade) from any structure occupied by humans and from all property lines.
- C. The setback from the property lines shall be waived if the abutters of those affected properties so grant their permission in writing.

#### 326.04 Design Requirements:

- A. Aesthetics: The WECS shall be designed and placed in such a manner to minimize to the greatest extent feasible, all adverse visual impacts on neighboring areas. The colors and surface treatment of the WECS and supporting structures shall to the greatest extent feasible, minimize disruption of the natural characteristics of the site.
- B. Height: The minimum height of the lowest position of the WECS blade shall be at least thirty (30) feet above the ground and forty (40) feet above the highest structure or tree within a two hundred and fifty (250) foot radius.
- C. Fence: All towers or poles must be unclimbable by design or protected by anti-climbing devices such as:
  - i. Fences with locking portals at least six (6) feet high;
  - ii. Anti-climbing devices twelve (12) feet from base of the pole;
  - iii. Anchor points for guy lines supporting tower shall be enclosed by a six (6) foot high fence or shall be located within the confines of the yard which is completely fenced.
- D. Noise: Operational noise, as measured by the latest standards of the American Standards Institute, shall not exceed fifty-five (55) decibels, measured at the property line of the property on which the WECS has been installed except for temporary construction or maintenance and in no event shall the WECS create a nuisance.
- E. Lighting: Lighting of the exterior of the facility shall be prohibited, unless required by the FAA.
- F. Access Roads: The site and any access roadways shall be developed and maintained in a manner that will minimize soil erosion, contamination of surface and ground water sources, and damage to important wildlife habitats or natural areas.
- G. Ornamental: Systems that are by nature ornamental, rather than functional, shall be exempt from attaining a permit if the total height is less than thirty-five (35) feet.

326.05 Interference: The WECS shall be operated such that no disrupting electromagnetic interference is caused. If it is determined that a WECS is causing electromagnetic interference, the operator shall take necessary corrective action to eliminate this interference including relocation or removal of the facilities.

326.06 Facility Removal: If any WECS remains non-functional or inoperative for a continuous period of one year, the permittee shall remove said system at their expense within two (2) years of cessation of operations or use, or when the tower structure becomes structurally unsound. Removal of the system includes the entire structure including foundations, transmission equipment, and fencing from the property. In the event that the system is not removed or dismantled within the two (2) years of the cessation of operations at the site, the municipality shall notify the owner and may remove the facility. Cost of removal shall be assessed against the property or WECS owner.

326.07 Insurance Requirements: The WECS operator shall maintain a current insurance policy which will cover installation and operation of the WECS.

### **3. The proposed language for Wind Energy Conversion Systems in the revised Zoning Bylaw**

#### **§917 Wind Energy Conversion Systems**

##### **917.01 Purpose**

Westfield's highest elevation lands are deemed unsuitable for large-scale commercial and industrial development according to the regional energy plan. Furthermore, the Long Trail passes through the entire length of the town on the mountain ridge prohibiting high elevations as sites for wind energy conversion. Small-scale systems that are not connected to the grid may be approved at homes, businesses, schools, and other institutions. Mid-scale systems that are not connected to the grid may be approved for the purpose of supplementing onsite energy consumption for farms and other businesses, and only small-scale and mid-scale wind energy conversion is supported by the Town Plan.

##### **917.02 Applicability**

This section provides basic design criteria for the responsible use of wind energy conversion systems (WECS) consistent with public safety. Any wind driven conversion or power generating facility, windmills and wind turbines that are being erected exclusively for personal use or to supplement farm or business use, and are not connected to the grid are subject to Conditional Use Review and Site Plan Review and shall conform to the regulations contained in this section.

##### **917.03 Exemptions**

Systems that are by nature ornamental, rather than functional, shall be exempt from attaining a permit if the total height is less than thirty-five (35) feet.

Any wind energy conversion facilities that are to be connected to the grid, including net metering systems, require a Certificate of Public Good and will be regulated under 30 VSA §248, and are exempt from the requirements of this Bylaw.

##### **917.04 Application Requirements**

In addition to the requirements for Conditional Use Review and Site Plan Review, applications shall contain the following information:

- A) standard drawings of the structural components of the WECS, including structures, pole or tower, base, footings, guy lines where required, and guy line anchor bases. The drawing shall include the distance of these components from all property lines
- B) height of any structure over thirty-five (35) feet within a five hundred (500) foot radius on-site or off-site of the proposed WECS
- C) evidence from a qualified individual that the site is feasible for a WECS
- D) certification from a registered engineer or qualified person that the rotor and overspeed control has been designed for the proposed use on the proposed site

#### 917.05 Safety Requirements

The Town of Westfield promotes the effective and efficient use of WECS in a manner that the public health, safety and welfare of the neighboring property owners or occupants will not be jeopardized. To ensure that the use of the property will not result in material damage or prejudice to other properties in the area, the following requirements apply:

- A) The safety specifications of the design of all WECS towers, including distance of potential ice throw, shall be certified by a professional engineer or by an authorized factory representative.
- B) All WECS shall be equipped with manual and automatic overspeed controls to limit rotation of blades to speed below the designed limits of the conversion system. The professional engineer or authorized factory representative shall certify that the rotor and overspeed control design and fabrication conform to good engineering practices.
- C) The WECS shall be designed and installed to ground lightning strikes.
- D) Appropriate warning signs shall be posted. The type and placement of the signs shall be determined on an individual basis as safety needs dictate.
- E) It is the responsibility of the property owner or applicant to contact the FCC and FAA regarding additional permits.

#### 917.06 Setbacks

- A) No part of the WECS shall be located within or above any required front, side, or rear setback area of the District in which it is located.
- B) The WECS shall be located at a distance of at least 1.5 times the height of the facility (measured from the base to the highest reach of the blade) from any structure occupied by humans and from all property lines.

#### 917.07 Design Requirements

- A) The WECS shall be designed and placed in such a manner, in the sole opinion of the DRB, to minimize to the greatest extent feasible, all adverse visual impacts on neighboring areas. The colors and surface treatment of the WECS and supporting structures shall to the greatest extent feasible, minimize disruption of the natural characteristics of the site.
- B) The minimum height of the lowest position of the WECS blade shall be at least thirty (30) feet above the ground and forty (40) feet above the highest structure or tree within a two hundred and fifty (250) foot radius.
- C) Fence: All towers or poles must be secured by fencing and protected by anti-climbing devices and shall include all the following:
  - 1. fences with locking portals at least six (6) feet high

2. anti-climbing devices twelve (12) feet from base of the pole
  3. anchor points for guy lines supporting the tower that are enclosed by a six (6) foot high fence or enclosed within the WECS area which is completely fenced
- D) Operational noise measured at the property line will conform to the Performance Standards §501, and an engineer or authorized representative of the manufacturer shall provide an assessment of infrasound that will emanate from the WECS.
- E) Lighting of the exterior of the facility shall be prohibited, unless required by the FAA. In the event lighting is required, then the facility shall be sited to minimize impact on public safety and minimize light being cast onto any surrounding property.
- F) The site and any access roadways shall be developed and maintained in a manner that will minimize soil erosion, will infiltrate runoff, and avoid any contamination of surface waters and natural areas.

917.08 Interference: The WECS shall be operated such that no disrupting electromagnetic interference is caused. If it is determined that a WECS is causing electromagnetic interference, the operator shall take necessary corrective action to eliminate this interference including relocation or removal of the facilities.

917.09 Facility Removal: If any WECS structure becomes structurally unsound or becomes a hazard, the system must be removed at the owner's expense. Removal of the unsound or hazardous components of the system may include the foundations, transmission equipment, and fencing. If an unsound or hazardous system component is not removed within one (1) year after the unsound component or hazard is identified, the municipality shall notify the owner and may remove the facility. Cost of removal shall be assessed against the property or WECS owner.

917.10 Insurance Requirements: The WECS operator shall maintain a current insurance policy which will cover installation and operation of the WECS.

917.11 Screening Requirements.

Screening shall be year-round. If topography alone does not provide sufficient screening, a combination of materials (such as native trees and shrubs) shall be used to create a naturalized screen rather than a large expanse of uninterrupted, uniform material. Plantings that die or become diseased shall be replaced within six months.

## **Planned Unit Development**

### **1. A description of significant changes proposed for Planned Unit Development**

New section to meet the goals of the Westfield Town Plan. The Town Plan states all the following:

- “Ensure zoning regulations offer options for future home sites, especially in the areas of town most able to support new growth.”
- “Monitor residential growth to ensure that municipal services are adequate.”
- “Investigate ways to maintain productive land and enhance the resiliency of disturbed land while allowing additional residential development.”
- “Consider provisions in the Zoning Bylaw that encourage greater density and clustered residential development in some zoning districts.”

### **2. The existing language for Planned Unit Development in the Zoning Bylaw**

There is no section for Planned Unit Development in the existing Zoning Bylaw.

### **3. The proposed language for Planned Unit Development in the revised Zoning Bylaw**

#### **§918 Planned Unit Development**

918.01 Purpose: The purpose of the Planned Unit Development (PUD) is to enable and encourage flexibility of design and development of tracts of land for single or multi-household dwellings into clusters to implement the Westfield Town Plan goal to ensure Zoning regulations offer options for future home sites, especially in the areas of town most able to support new growth while at the same time maintaining open agricultural land and undeveloped blocks of forest land. Land conservation covenants and limited access to municipal water supply limits residential development within and adjacent to the Village Zoning District. The flexibility of the PUD provides housing opportunity that can minimize encroachment on open farmland and intact forests by creating a permitting pathway for higher density, village like development with shared driveways and water systems in Zoning Districts with historically larger lot minimums. The purpose of the PUD is to create a more desirable environment than would otherwise be possible through the strict application of minimum Dimensional Standards for lots.

#### **918.02 Applicability**

PUDs may be allowed in the Village, Recreation-Residential, Rural-Agricultural, and Conservation Zoning Districts. In the Rural-Agricultural District, clustering is required for developments of three or more dwellings or for subdivisions that will result in three or more building lots, from a contiguous parcel on prime or statewide significant agricultural land. Statewide significant and prime agricultural land is as published by the Vermont Agency of Natural Resources (ANR) Natural Resources Atlas including refinements to that data which are hereby adopted by reference. Mobile home parks, condominiums and townhouse developments are required to design according to the provisions for PUDs.

#### **918.03 Application and Review Process**

1. PUDs require Conditional Use Review and Approval, and Site Plan Review, and shall follow all applicable procedures set forth in §502 and §503 of this Bylaw.
2. In addition to the requirements of the Conditional Use Review application, the applicant shall also provide the following information:
  - A) height of all existing and proposed buildings, and locations of parking areas and landscaping
  - B) location and size of areas to be conveyed, dedicated, reserved or otherwise held as common lands for public or semi-public use and a description of the method of conservation
  - C) location and description of utilities, water supply, and septic systems

### 3. Review and Decisions

The Development Review Board (DRB) shall approve or deny the project based on standards and procedures of Conditional Use Review with the following additional considerations:

- A) Density. In a PUD the total number of dwelling units allowed shall not exceed the density requirements of the District where the project is located, except when the applicant is seeking a density bonus as allowed under section (D) below.
- B) Open Space and Common Lands

The land area not allocated to building lots and roads shall be permanently reserved in open space. When choosing the location of this undeveloped area, consideration shall be given to the continuity of agricultural and forest lands, wildlife corridors, scenic views, and proximity to shared utilities. The proposed open space shall not include land required for community septic systems, parking lots, or utility easements. Undeveloped lands shall be reserved by one of the following means:

  1. deeded to an approved land trust
  2. held in corporate ownership by the owners of the lots within the subdivision and such other adjacent landowners who may wish to become members of the corporation (Membership in this corporation shall be mandatory for all landowners in the subdivision. In the case of corporate ownership, the developer shall include in the deed to the owners of the building lots the membership restrictions and the public and/or private rights and uses of the common open land. The charter of said corporation shall be subject to approval by the DRB. The DRB shall hold an interest in dissolution of said corporation.)
  3. held in ownership by the developer, subject to a legal agreement with the Town specifying the developer's responsibility for maintenance of the lands
- C) Setbacks and Lot Sizes

Changes in the setbacks and lot sizes for each building are the principal means to achieve the purposes of a PUD. Therefore, the building setbacks and lot sizes in a PUD may be reduced or expanded from the current Zoning District requirements to a configuration agreed upon between the applicant and the DRB when these reductions or expansions are in conformance with the Westfield Town Plan. The applicant may request a change in setbacks and lot sizes, shared open spaces that fulfill setback for more than one structure, and the request must be accompanied by maps and site



sketches clearly showing building footprints, lot lines, parcel boundaries, roads and other infrastructure, natural features, and any other information the DRB deems appropriate to make a decision. The final decision to approve or deny a change in setbacks shall rest with the DRB. Subsequent structures may follow the setbacks established during review and approval of the PUD.

#### D) Density Allowance

1. Purpose: A density allowance may provide approval for an applicant or developer to build more houses than would otherwise be permitted by the Dimensional Standards for a District listed in this Bylaw. In exchange, the Town shall receive a public benefit such as affordable housing or conserved open space. In no way, stated or implied, does the Town guarantee greater profits or other benefits to a developer from the project because of a density allowance.
2. Applicable Districts: Density allowances may be approved in the Village, Recreation-Residential, Rural-Agricultural, and Conservation Zoning Districts.
3. Examples of public benefits which might result in the approval of a density allowance:
  - a. affordable housing dwelling units with one or more bedrooms, non age-restricted
  - b. affordable housing dwelling units with one or more bedrooms, for seniors
  - c. donation of land or development rights to an approved land trust
  - d. donation of a right-of-way for a public recreation trail
  - e. donation of a public recreation area
  - f. affordable integrated housing and farmland to further the goals of the Westfield Town Plan and to encourage food sovereignty
  - g. conservation of forest land to maintain wildlife habitat and corridors, to protect water quality, and to further the goals of the Westfield Town Plan
4. Subject to Carrying Capacity Review: The density allowance shall be determined by the DRB after review of the development application. Such density allowances may be restricted, reduced or prohibited on any site if the DRB determines that the carrying capacity of the land, soils, or other environmental condition would not support the proposed project. The DRB may request from the applicant any additional information to make this determination. Density allowances do not supersede any local, state or federal laws, executive orders, or rules.

### **Special Flood Hazard Area Regulations**

#### **1. A description of significant changes proposed for Special Flood Hazard Area Regulations**

The proposed language for the Special Flood Hazard Area Regulations brings the Bylaw into compliance with FEMA requirements for the Town of Westfield to be eligible for the National Flood Insurance Program, and maximizes reimbursement from the Vermont Emergency Relief and Assistance Fund.

Parts of this section are not applicable since there is minimal existing development within the River Corridor, however it is required to make the Town and residents eligible for federal and state assistance.

## **2. The existing language for the Special Flood Hazard Area in the Zoning Bylaw**

### **§318: Special Flood Hazard Area Regulations**

#### **318.01 Lands to Which These Regulations Apply:**

These regulations shall apply for development in all areas in the Town of Westfield identified as areas of special flood hazard on the National Flood Insurance Program maps which are hereby adopted by reference and declared to be part of these regulations.

#### **318.02 Conditional Use Permit Required**

- A. All development including fill, excavation, grading, erection or placement of structures and storage of equipment and material prescribed by the Town of Westfield Zoning Bylaw are permitted within an area of special flood hazard only upon the granting of a conditional use permit by the Board of Adjustment.
- B. Prior to issuing a permit for the construction of new buildings, the substantial improvement of existing buildings, or for development in the floodway, a copy of the application shall be submitted to the Vermont Agency of Natural Resources, Flood Plain Management Section in accordance with 24 VSA, §4424(D). A permit may be issued only following receipt of comments from the Agency or the expiration of thirty (30) days from the date the application was mailed to the Agency, whichever is sooner.
- C. Adjacent communities and the Vermont Agency of Natural Resources shall be notified at least fifteen (15) days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the of the Federal Insurance Administration.
- D. Proposed development shall be reviewed to assure that all necessary permits have been received from those government agencies from which approval is required by Federal, State or Municipal law.

#### **318.03 Conditional Use Review Procedures**

- A. Upon receiving an application for a conditional use permit under these regulations, the Board of Adjustment shall, prior to rendering a decision thereon:

##### **1. Obtain from the applicant:**

- a. The elevation (in relation to mean sea level) of the lowest floor, including basement, of new buildings or buildings to be substantially improved;
- b. Where flood proofing is proposed, the elevation (in relation to mean sea level) to which the building will be flood proofed;
- c. Plans drawn to scale showing the existing and proposed land contours, buildings, structures, streams, roads and other pertinent physical features;
- d. Base flood elevation data for subdivisions and other proposed development which contain at least 50 (fifty) lots or 5 (five) acres (whichever is the smaller);
- e. Such other information deemed necessary by the Board of Adjustment for determining the suitability of the site for the proposed development.

2. Obtain from the Vermont Water Resources Board or other state or federal agencies any available base flood elevation data.

B. In reviewing each application, the Board of Adjustment shall consider:

1. The evaluation of the Vermont Water Resources Board.
2. The availability of alternative locations not subject to flooding for the proposed use.
3. The susceptibility of the proposed improvement to flood damages.
4. The safety of access to the property in times of flood for ordinary and emergency vehicles.
5. The potential for damage to the property caused by erosion.
6. The danger that materials may be swept onto other lands and cause damage to others.
7. Such other factors as are relevant to the purposes of this bylaw.

C. The Board of Adjustment may grant a conditional use permit for development provided:

1. All necessary permits are obtained from those governmental agencies from which approval is required by Federal or State law.
2. The development standards of 320.05 are met or exceeded.

318.04 Base Flood Elevations and Floodway Limits

- A. Where available (i.e., Zone A1-A30, AE, and AH) the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.
- B. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program (i.e. Zone A) base flood elevations and floodway information available from State or Federal agencies or other sources, shall be obtained and reasonably utilized to administer and enforce these regulations.

318.05 Development Standards

A. Floodway Areas:

1. Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.
2. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

B. Fringe Areas: (i.e., flooded areas outside of the floodway)

1. All development shall be designed:
  - a. To minimize flood damage to the proposed development and to the public facilities and utilities, and;

b. To provide adequate drainage to reduce exposure to flood hazards.

2. Structures shall be:

- a. Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;
- b. Constructed with materials resistant to flood damage;
- c. Constructed by methods and practices that minimize flood damage, and;
- d. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

- 3. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
- 4. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- 5. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- 6. New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.
- 7. The lowest floor, including basement, of all new buildings shall be at or above the base flood elevation.
- 8. Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of 320.05 (B) (7).
- 9. Existing buildings to be substantially improved for non-residential purposes shall either:

- a) Meet the requirements of 320.05 (b) (8), or;
- b) Be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specification and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

10. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- b. The bottom of all openings shall be no higher than one (1) foot above grade;
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

11. Recreational Vehicles placed on sites within Zones A1-A30, AH and AE shall either:

- a. Be on the site for fewer than 180 consecutive days;
- b. Be fully licensed and ready for highway use, or;
- c. Meet all standards of Section 60.3 (b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” of Section 60.3 (c)(6).

#### 318.06 Duties and Responsibilities of the Administrative Officer

The Administrative Officer shall maintain a record of:

- A. All permits issued for development in areas of special flood hazard.
- B. The elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings.
- C. The elevation, in relation to mean sea level, to which buildings have been flood proofed.
- D. All flood proofing certifications required under this regulation.
- E. All variance actions, including justification for their issuance.

#### 318.07 Variances to the Development Standards

Variances shall be granted by the Board of Adjustment only:

- A. In accordance with the provisions of 24 VSA, §4469 and §4424(E) and in accordance with the criteria for granting variances found in 44 CFR, §60.6, of the National Flood Insurance Program Regulations.
- B. Upon a determination that during the base flood discharge the variance will not result in increased flood levels.
- C. Upon a determination that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

#### 318.08 Warning of Disclaimer of Liability

These regulations do not imply that land outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of Westfield or any official or employee thereof for any flood damages that result from reliance on this bylaw or any administrative decision lawfully made hereunder.

### 3. The proposed language for the River Corridor, Special Flood Hazard Area, and Floodway in the revised Zoning Bylaw

#### ARTICLE 10: RIVER CORRIDOR, SPECIAL FLOOD HAZARD AREA, AND FLOODWAY

##### §1001 Purpose

1001.01 The purposes of this Article are the following:

- A) to implement the goals, policies, and recommendations in the Westfield Town Plan
- B) to protect health, safety and welfare of the public, minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding-related inundation and erosion hazards
- C) support equitable wellbeing for the entire community
- D) ensure that development in our community protects floodplain and river corridor functions, and avoids and reduces damage from flooding and erosion
- E) manage all flood hazard areas pursuant to 24 VSA §4382(12) and 10 VSA §§751, 753
- F) make the Town of Westfield, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available

##### §1002 Summary Table of Uses and Development Review in River Corridor, Special Flood Hazard Area, and Floodway

**P** Permitted (Administrative Review)

**C** Conditional Use Review and Permit

-- Prohibited

**E** Exempt

**ST** State Permit or Approval Required

#	Use or Activity	River Corridor	Special Flood Hazard Areas	Floodway
1	New Principal Structures and Dwellings	--	--	--
2	Storage	--	--	--
3	Improvements to Existing Structures	C	C	C
4	Small Accessory Structures less than 100 square feet	P	--	--
5	At Grade Parking	P	C	C
6	Replacement water supply or septic systems	ST,E	ST,E	ST,E
7	Fill or grading resulting in no net loss of flood storage	C	C	C

8	Fill or grading resulting in a loss of flood storage	--	--	--
9	Road maintenance	E	E	E
10	Road improvements	C	C	C
11	Bridges and culverts	ST,E	ST,E	ST,E
12	Channel management	ST,E	ST,C	ST,C
13	Recreational vehicles	P	P	P
14	Open space, recreation	E	E	E
15	Forestry and Agriculture	ST,E	ST,E	ST,E

### **§1003 River Corridor Protection**

#### **1003.01 Purpose**

River corridors provide rivers and stream channels with the space necessary to maintain or reestablish floodplain access and to reduce erosion hazards through natural physical processes. The intent of this Bylaw is to protect public health and safety by avoiding new encroachments into river corridors and minimizing erosion-related damage to existing structures.

#### **1003.02 Applicability and River Corridor Boundaries**

- A) A permit is required for all development that is located within the River Corridor except as provided in 1003.03 Exemptions. These are the requirements for development in the River Corridor. Where more than one District is involved, the most restrictive standard shall take precedence and the requirements for all Zoning Districts and Overlay areas shall also apply.
- B) This section applies to the River Corridors in the Town of Westfield, Vermont, as published by the Vermont Agency of Natural Resources (ANR) Natural Resources Atlas including refinements to that data which are hereby adopted by reference.
- C) On streams with a watershed size greater than half a square mile for which River Corridors are not mapped, the standards shall apply to the area measured as 50 feet from the top of the stream bank or slope.
- D) The information presented on any maps, or contained in any studies adopted by reference, is presumed accurate. If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary on the property shall be determined by the Zoning Administrator (ZA.)
- E) If the applicant disagrees with the determination made by the ZA or with the River Corridor as mapped, the applicant has the following options:
  - 1. hire a licensed land surveyor or registered professional engineer to stake out the River Corridor boundary as mapped on the property
  - 2. provide data as needed for ANR to update the River Corridor map following the Special Flood Hazard Area and River Corridor Protection Procedure ("Procedure")



3. request a letter of determination from ANR that the proposed development meets the Performance standard in the Procedure

F) Prohibited in the River Corridor are the following:

1. new structures, fill, and development that do not meet the standards in 1003.04 C) Development Standards
2. any other development that is not exempt, permitted, or listed as a Conditional Use, which would cause or contribute to fluvial erosion hazards

### **1003.03 Exemptions in the River Corridor**

The following activities do not require a permit under this section of the Bylaw:

- A) removal of a building in whole or in part, if the ground elevations under and adjacent to the removed structure remain unchanged or are restored to least erosive condition and the work is to be completed with erosion prevention measures in place during deconstruction
- B) maintenance of existing sidewalks, roads, parking areas, stormwater drainage, bridges, culverts, and channel stabilization
- C) functionally dependent uses that must be placed in or cross over rivers and streams, that are not located in a Special Flood Hazard Area, and that have coverage under a Stream Alteration Permit, if required, under 10 V.S.A. Chapter 41 and the rules adopted thereunder including the construction, removal, or repair of bridges and culverts, associated transportation and utility networks, dams, and dry hydrants
- D) planting projects which do not include any construction or grading
- E) subdivision of land that does not involve or authorize development
- F) Activities exempt from municipal regulation and requiring a permit from ANR under the Vermont Flood Hazard Area and River Corridor Rule (CVR 12-030-024) including the following:
  1. state-owned and operated institutions and facilities
  2. forestry operations or silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation
  3. agricultural activities conducted in accordance with the Vermont Agency of Agriculture, Food and Market's Required Agricultural Practices (RAPs). Prior to the construction of farm structures, the farmer shall notify the AO in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks
  4. public utilities regulated under 30 V.S.A. § 248
  5. communications facilities regulated under 30 V.S.A. § 248a

### **1003.04 Development Review in River Corridors**

A) Permitted by Administrative Review

The following development activities in the River Corridor which meet the Development Standards listed in 1003.05, may be permitted by the Zoning Administrator:

1. small accessory structures not larger than 100 square feet
2. routine maintenance of existing buildings
3. maintenance of utilities along an existing right of way and serving a structure
4. replacement on-site septic systems
5. access and parking
6. deck or patio that is 200 square feet or less attached to an existing structure, and is located no less than 100 feet from the top of bank
7. unimproved trails on native grades and soils that will be relocated as needed to accommodate channel adjustments and avoid degradation to bank stability and riparian habitat
8. river or floodplain restoration projects that do not involve fill, structures, utilities, or other improvements, and which have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this Bylaw

#### B) Conditional Use Review

Conditional Use Review and approval by the DRB in accordance with 24 V.S.A. § 4461 is required prior to the issuance of a permit by the ZA for any activity in the River Corridor that is not exempt, prohibited, or eligible for administrative review.

C) All permits shall require that a permittee have all other necessary permits from state and federal agencies before work may begin.

### **1003.05 Development Standards within the River Corridor**

#### A) River Corridor Performance Standard

For applications to be approved under Conditional Use Review within the River Corridor, the DRB must find, that the proposed development will:

1. not be placed on land with a history of fluvial erosion damage or threatened by fluvial erosion, and
2. not cause the river reach to depart from or further depart from the channel width, depth, meander pattern, and slope associated with natural stream processes and equilibrium conditions, and
3. not result in a need for bank armoring or stream channelization because of the proposed development, that would increase flood elevations and velocities, or alter the sediment regime triggering channel adjustments and erosion in adjacent and downstream locations.

B) The DRB may request or consider additional information to determine if the proposal meets the River Corridor Performance Standard, including data and analysis from a consultant qualified in the evaluation of river dynamics and erosion hazards; and comments provided by the DEC Regional Floodplain Manager on whether the proposal meets the River Corridor Performance Standard.

- C) New paths or alterations to paths that provide access to the water for the public, and promote the public trust uses of the water, shall not necessitate bank armoring, and must be relocated when the channel adjusts toward the path.

#### **§1004 Special Flood Hazard Area and Floodway Protection**

**1004.01. Purpose** - To protect public health and safety by avoiding cumulative increases in flood elevations, velocities, and river instability; the cumulative loss of beneficial floodplain functions; and to minimize flood damage to development and services already located within this hazard zone.

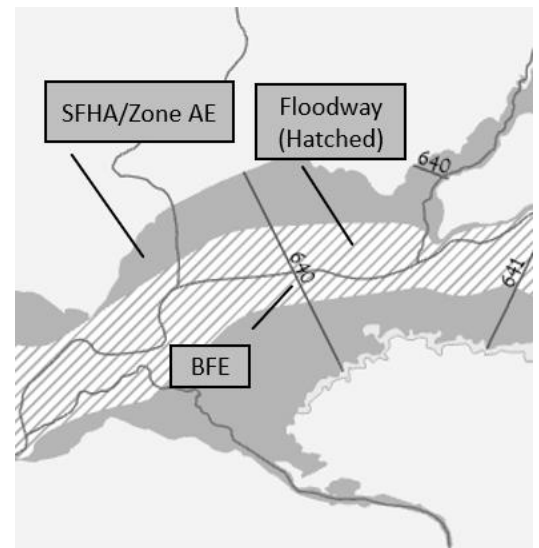
#### **1004.02. Applicability**

##### **A) Special Flood Hazard Areas**

This Bylaw shall apply to the Special Flood Hazard Areas (SFHA) as mapped in the Town of Westfield, Vermont identified in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Vermont Agency of Natural Resources (ANR) pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of this Bylaw. The Floodway lies within the Special Flood Hazard Area.

##### **B) Base Flood Elevations and Floodway Limits**

1. Where available, base flood elevations (BFE) and floodway limits provided by the NFIP and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce this Bylaw.
2. The floodway, as adopted by this community, shall consist of the channel of a river or other watercourse and the adjacent land areas that shall be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.
3. In the SFHA where base flood elevations and/or floodway limits have not been provided by the NFIP in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or state or federal agencies to make an application under this Bylaw.
4. If the Town acquires data that indicates a change in published base flood elevations, the Town will, within 6 months, submit the technical or scientific data to Vermont ANR and the NFIP Map Specialist.



*Figure 1 Diagram of Special Flood Hazard Area (SFHA) containing the Floodway (shown in hatched pattern). Also, cross-sections marked with the Base Flood Elevation (BFE) at that location.*

##### **C) Jurisdictional Determination**

1. The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.

2. If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area, the location of the boundary shall be determined by the Zoning Administrator.

#### D) Prohibited in the Special Flood Hazard Area

The following uses are prohibited in the Special Flood Hazard Area:

1. new critical facilities
2. new residential or non-residential structures
3. new accessory structures
4. storage of materials or salvage yards

#### **1004.03 Exemptions in the Special Flood Hazard Area**

The following activities do not require a permit under this section of this Bylaw:

- A) the removal of a building in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged or are restored to least erosive condition and the work is to be completed with erosion prevention measures in place during deconstruction
- B) routine maintenance of existing buildings
- C) interior improvements or repairs to existing buildings that would not require a Zoning Permit under this Bylaw
- D) maintenance of roads, bridges, or stormwater drainage
- E) streambank stabilization, and abutment work that do not reduce the cross-sectional flow area of the river or stream channel and have coverage under a Stream Alteration Permit, if required
- F) planting projects which do not include any construction or grading activities in accordance with 24 V.S.A. § 4424(c)
- G) subdivision of land that does not involve or authorize development

The following activities are exempt from municipal regulation, but may require a permit under the State's "Vermont Flood Hazard Area and River Corridor Rule" (Environmental Protection Rule, Chapter 29):

- A) state owned and operated institutions and facilities
- B) forestry operations and silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation
- C) agricultural activities conducted in accordance with the Vermont Agency of Agriculture Food and Market's Required Agricultural Practices (RAPs) (Prior to the construction of farm structures, the farmer shall notify the Zoning Administrator in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks meeting community requirements)
- D) public utilities regulated under 30 V.S.A. § 248
- E) telecommunications facilities regulated under 30 V.S.A. § 248a

#### **1004.04. Development Review in the Special Flood Hazard Areas**

##### **A) Permitted by Administrative Review**

The following development activities in the Special Flood Hazard Area which meet the Development Standards listed in 1004.05, may be permitted by the Zoning Administrator.

##### **1. Outside of the Floodway:**

- a. new fill for existing associated transportation and utility networks or to accommodate a replacement on-site septic system, if it can be demonstrated that no other practicable alternative is available
- b. recreational vehicles
- c. river and floodplain restoration projects, including dam removal, that restore natural and beneficial floodplain functions and include written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this Bylaw

##### **2. Within the entire Special Flood Hazard Area:**

- a. improvements or repairs from damage to structures that do not expand the existing footprint and do not meet the definition of “substantial improvement” or “substantial damage”
- b. building utilities
- c. at or below grade development (e.g. parking areas)
- d. open fencing or posts
- e. municipal transportation infrastructure improvements designed by the Vermont Agency of Transportation that have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this Bylaw

##### **B) Conditional Use Review**

Conditional Use Review and approval by the DRB in accordance with 24 V.S.A. § 4461 is required prior to the issuance of a permit by the ZA for any activity in the Special Flood Hazard Area that is not exempt, prohibited, or eligible for administrative review.

C) All permits shall require that a permittee have all other necessary permits from state and federal agencies before work may begin.

#### **1004.05 Development Standards within the Special Flood Hazard Area**

- A) New structures are prohibited in the Special Flood Hazard Area. These standards are included to make the Town of Westfield, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.
- B) No development shall result in a net loss of flood storage capacity, except as needed to fill an existing basement or mitigate an existing structure.

- C) All development below the DFE, except development that is exempt under 1004.03 shall be all the following:
1. reasonably safe from flooding
  2. designed (or modified) and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure
  3. constructed with materials resistant to flood damage
  4. constructed by methods and practices that minimize flood damage
  5. constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding
  6. adequately drained to reduce exposure to flood hazards
- D) Fuel storage tanks and vents must be elevated above the BFE and securely anchored.
- E) Storage tanks may be placed underground if a qualified professional certifies the installation will be anchored and protected from flood forces.
- F) In Zones AE and A1 – A30 where floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one foot at any point within the community. The demonstration shall be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.
- G) Recreational vehicles, equipment, boat trailers, portable toilets, construction trailers, and other travel trailers shall:
- a. be currently registered, licensed, and ready for highway use; or
  - b. be on site for fewer than 180 consecutive days; or
  - c. meet the requirements for structures in 1004.06.
- H) Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- I) Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- J) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- K) The flood carrying capacity within any altered or relocated portion of any watercourse shall be maintained, any alteration or relocation shall not result in any decrease of stream equilibrium.
- L) Bridges, culverts, and channel management activities, which by their nature shall be placed in or over the watercourse, shall have a Stream Alteration permit from the Agency of Natural Resources, if required.
- M) Subdivisions and Planned Unit Developments shall have dry land access.

#### **1004.06 Structural Standards within the Special Flood Hazard Area**

- A) New or Substantially Improved structures shall have the lowest floor, including basement, elevated to or above the Design Flood Elevation (two feet above base flood elevation). This shall be documented in the proposed and as-built condition with a FEMA Elevation Certificate.

- B) New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage shall:
1. meet the standards of 1004.06 A), above; or,
  2. have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that to at least two feet above the base flood elevation the structure is dry floodproofed, meaning watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- C) A permit for dry floodproofing shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- D) New or Substantially Improved structures in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least two feet above the depth number specified on the community's FIRM, or at least three feet if no depth number is specified.
- E) Critical facilities to be substantially improved shall have the lowest floor, including basement, elevated or dry-floodproofed at least one foot above the elevation of the 0.2% annual flood height (500-year floodplain), or three feet above base flood elevation, whichever is higher.
- F) Historic structures being substantially improved shall meet the requirements for structures in this Bylaw except for the Lowest Floor Elevation.
- G) Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.
- H) Fully enclosed areas below the lowest floor, that are above grade, below the DFE, and subject to flooding, shall:
1. be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs shall be certified by a registered professional engineer or architect; or,
  2. meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above adjacent grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices if they permit the automatic entry and exit of floodwaters; and
  3. a small accessory structure of 500 square feet or less need not be elevated to the base flood elevation if adequate flood openings are provided, the structure is placed on the site to offer the minimum resistance to the flow of floodwaters, and the construction meets the criteria in Section 1004.05 C) above.

#### **1004.07 Development Standards within the Floodway**

- A) New structures are prohibited in the Floodway. These standards are included to make the Town of Westfield, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery

funds, and hazard mitigation funds, as may be available.

- B) Within the Floodway new encroachments are prohibited except for the following, which also shall comply with 1004.07 C) below:
1. changes to existing structures where the footprint is proposed to expand horizontally into the floodway less than 100 square feet
  2. new encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects
  3. new encroachments relating to health and safety measures, such as replacement of pre-existing on-site septic and water supply systems, if no other practicable alternative is available
- C) Within the Floodway all proposed new encroachments are required to provide a hydraulic analysis, performed by a registered professional engineer, in accordance with standard engineering practice, certifying that the proposed development will:
1. not result in any increase in flood levels during the occurrence of the base flood,
  2. not increase base flood velocities, and
  3. not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
- D) For development that will not result in any change in grade, the hydrologic & hydraulic analyses may be waived, where the applicant will provide pre- and post-development elevations demonstrating that there will be no change in grade, and that the development will be adequately protected from scour.

## **§1005 Administration**

**1005.01 Applications** All applications for development shall include the following:

- A) A site plan that depicts the proposed development including water, Special Flood Hazard Areas, and River Corridor boundaries; the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, pre- and post-development grades, and the elevation of the proposed lowest floor as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps.
- B) A copy of the ANR Permit Navigator Results Summary.
- C) Any application regarding New Construction, Substantial Improvement, development in a Floodway, development in a River Corridor, or a variance shall be submitted by the Zoning Administrator to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources in accordance with 24 V.S.A. § 4424. A permit may be issued following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
- D) If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall be submitted by the Zoning Administrator to the adjacent communities, the River Management Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers.



## **1005.02 Variances**

Variances may be granted in writing by the DRB only in accordance with all the criteria in 24 V.S.A. § 4469 after a public hearing noticed in accordance with 24 V.S.A. § 4464. If the proposed development is located within any Special Flood Hazard Area, the proposal shall comply with 44 C.F.R. §60.6. Any variance issued in the Special Flood Hazard Area shall not increase flood heights and shall inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the BFE increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

## **1005.03 Administrative Responsibilities**

- A) The Zoning Administrator shall properly file and maintain a record of the following:
  - 1. permits and supporting documents
  - 2. a FEMA Elevation Certificate for any new, replacement or substantially improved buildings (not including accessory buildings) in the Special Flood Hazard Area
  - 3. floodproofing and other certifications required under this regulation
  - 4. decisions of the Zoning Administrator and Development Review Board (including those for Substantial Improvement, Substantial Damage, appeals, variances, and violations) and supporting findings of fact, conclusions, and conditions
  - 5. Certificates of Occupancy, and receipts as required for the determination of Substantial Improvement.
- B) Substantial Improvement and Substantial Damage Determinations
  - 1. In the event of damage of any kind to a structure located within any Special Flood Hazard Area, the Zoning Administrator shall determine if Substantial Damage occurred regardless of any intended repair at that time.
  - 2. In the review of any proposal for the repair or improvement of a structure located within any Special Flood Hazard Area District, the Zoning Administrator shall determine if the proposal indicates Substantial Improvement.
  - 3. Substantial Improvement or Substantial Damage determinations shall be made in accordance with current FEMA and ANR guidance, or by a procedure meeting FEMA standards and established by the Town in accordance with 24 V.S.A. § 1972.
- C) Enforcement
  - 1. Enforcement shall be in accordance with 24 V.S.A. §§ 1974a, 4451, and 4452. All Notices of Violation under this Article 10 shall be provided to the State NFIP Coordinator.
  - 2. No new flood insurance shall be provided for any property which the Federal Insurance Administrator finds has been declared to be in violation of local flood hazard area regulations. If any appeals have been resolved, but the violation remains, the Zoning Administrator shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended. New and renewal flood insurance shall be denied to a structure upon a finding by the Federal Insurance Administrator of a valid declaration of a violation.
  - 3. Certificate of Occupancy

- a. A Certificate of Occupancy (CO) is required for any new or Substantially Improved primary structure permitted under this Bylaw. It shall be unlawful to use or occupy any structure within the areas affected by this Bylaw, until a CO is issued by the Zoning Administrator in accordance with 24 V.S.A. § 4449 stating that the structure conforms to the requirements of this Bylaw.
- b. A certificate of occupancy is not required for structures that were built in compliance with the Bylaws at the time of construction and have not been improved since the adoption of this Bylaw.
- c. Upon receipt of the application for a certificate of occupancy, the Zoning Administrator shall review the permit conditions and inspect the premises to ensure that:
  - i. any required state and federal permits have been received,
  - ii. all work has been completed in conformance with the Zoning Permit and associated approvals, and
  - iii. all required as-built documentation has been submitted to the AO (e.g. updated FEMA Elevation Certificate, dry floodproofing certificate, as-built volumetric analysis, or as-built floodway encroachment analysis).
- d. If a certificate of occupancy cannot be issued, notice will be sent to the owner and copied to the lender.

#### **1005.04 Warning of Disclaimer of Liability**

This Bylaw does not imply that land outside of the areas covered by this Bylaw will be free from flood or erosion damages. This Bylaw shall not create liability on the part of the Town of Westfield, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this Bylaw, or any administrative decision lawfully made hereunder.

#### **ARTICLE 11: DEFINITIONS**

**This section lists all the current definitions and proposed definitions in the first column, and the nature of the proposed revision in the second column.**

Except where specifically defined herein, all words used in this Bylaw shall carry their customary meaning. Words used in the present tense include the future and the singular includes the plural; the word "shall" means a requirement is mandatory; "occupied" or "used" shall be considered as though preceded by "or intended, arranged or designed to be used or occupied"; "person" includes individual, partnership, association, corporation, company, organization or any other legal entity.

<p><b>Abandoned Structure:</b> A structure that has not been maintained for its current use for at least one year. For communications facilities the structure shall be deemed abandoned when it has not been maintained for two years.</p>	<p><b>Change from 30 days of unclaimed ownership to one year not maintained for its current use, and include time limit of 2 years for</b></p>
---	--

	communication facilities.
<b>Abandoned Use:</b> A use that has been discontinued and not resumed for at least two years, and the property has changed ownership.	New
<b>Abutter:</b> Any person or persons, corporation or other entity that owns, leases, or in any other way uses or controls, the real property that shares a property line directly or across a waterway or right-of-way, with any portion of the property of another.	Change to remove “abutting” from its own definition, include across waterway or right of way.
<b>Accessory Dwelling:</b> An attached or detached dwelling, located within or appurtenant to a single-or two-household dwelling, that is clearly subordinate to a single-or two-household dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. The owner or a permanent resident shall occupy either dwelling.	Change to remove restriction of efficiency and one bedroom only. Change family to household, remove references to setbacks, wastewater, and floor area because these are contained in the Bylaw. Add that an owner shall occupy either dwelling.
<b>Accessory On-Farm Business:</b> An activity located on, and accessory to, a farm regulated by the Agency of Agriculture, Food & Markets under the Required Agricultural Practices (RAP) rules, that includes one or both of the following: <ul style="list-style-type: none"> <li>• The storage, preparation, processing, and sale of qualifying products, provided that more than 50% of the total annual sales are from products that are produced on the farm at which the business is located. Qualifying products are those wholly grown raised or produced on a farm or manufactured on-farm from such products.</li> <li>• Educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products.</li> </ul>	New, defined by State statute, Act 143.
<b>Accessory Use/Structure:</b> A structure which is: 1) detached from and clearly incidental and subordinate to the principal use or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. Examples include, garages, garden and tool sheds, and playhouses, but do not include “accessory dwellings.”	Change provide examples and uses and differentiate from accessory dwelling.

<b>Acre:</b> An area of land equal to 43,560 square feet.	<b>Remove. This is a generally known term.</b>
<b>Adequate Capacity:</b> Capacity for wireless telephony is considered to be adequate if the grade of service (GOS) is p.05 or better for median teletraffic levels offered during the typical busy hour, as assessed by direct measurement of the facility in question. The GOS shall be determined by the use of standard Erlang B calculations. As call blocking may occur in either the land line or radio portions of a wireless network, adequate capacity for this regulation shall apply only to the capacity of the radio components. Where capacity must be determined prior to the installation of the personal wireless services facility in question, adequate capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the coverage area.	<b>Remove. This term is not used in the proposed communication antennas and towers section.</b>
<b>Adequate Coverage:</b> Coverage for wireless telephony is "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that most of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment, this would be a signal strength of at least -90 dBm. It is acceptable for there to be holes within the area of adequate coverage as long as the signal regains its strength further away from the base station. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.	<b>Remove. This term is not used in the proposed communication antennas and towers section.</b>
<b>Affiliate:</b> When used in relation to an operator, another person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or common control with the operator, or an operator's principal partners, shareholders, or owners of some other ownership interest. When used in relation to the municipality, any agency, board, authority, or political subdivision affiliated with the municipality or other person in which the municipality has legal or financial interest.	<b>Remove. This term is not used in the proposed communication antennas and towers section.</b>
<b>Agricultural land of statewide significance:</b> Land identified as statewide significant or prime according to the Vermont Agency of Natural Resources (ANR) Natural Resource Atlas.	<b>New to identify prime ag land with a focus on maintaining farm viability and open space.</b>
<b>Agriculture:</b> The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or the raising, feeding or management of livestock, poultry, equines, fish or bees; or the operation of greenhouses; or the production of maple syrup; or the on-site storage, preparation and sale of agricultural products principally produced on the farm; or the on-site production of fuel or power from agricultural products or waste produced on the farm; or the raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines.	<b>No change</b>

<b>Alteration:</b> Structural changes, rearrangement, change of location, or addition to a building, other than repairs and modification in building equipment or fixtures.	No change
<b>Antenna Height:</b> The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.	No change
<b>Antenna Support Structure:</b> Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.	Remove. Only used in definition of antenna height
<b>Antenna:</b> A device for transmitting and/or receiving electromagnetic waves, which is attached to a tower or other structure.	No change
<b>Application:</b> The forms and all accompanying documents and exhibits required of an applicant by an approving authority for development review purposes.	Change to remove the word “application” from its own definition.
<b>Area Of Shallow Flooding:</b> Means a designated AO or AH Zone on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.	Remove, does not appear anywhere in text of the Bylaw.
<b>Area Of Special Flood Hazard:</b> Is synonymous in meaning with the term “special flood hazard area” for the purposes of this Bylaw.	Remove, only used in current SFHA language, not in the proposed revised language for SFHA
<b>Associated transportation and utility networks:</b> Transportation and utility networks connected to a bridge, culvert, or utility for the purpose of crossing a river or stream and do not include transportation or utility networks within the River Corridor that merely run parallel to a river or stream.	New, so that current uses across rivers and streams can be maintained by administrative review.
<b>Authorized Factory Representative:</b> An individual who has received factory or factory approved technical school training and certification regarding the installation and maintenance of wind energy conversion systems.	No change
<b>Auto Repair:</b> A business establishment engaged in the repair or replacement of car, truck, van, motorcycle or other motorized vehicle on the same lot as a dwelling or in another facility.	New
<b>Bank:</b> Institution for receiving, lending, exchanging, and safeguarding money and in some cases, issuing notes and transacting other financial business.	No change
<b>Bar/Nightclub:</b> An establishment which supplies alcoholic drinks, food and/or entertainment.	New
<b>Base Flood Elevation (BFE):</b> the elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the FIRM the elevation is usually in feet, in relation to the National	New

Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.	
<b>Base Flood:</b> Means the flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the 100-year flood).	Change to add "commonly..."
<b>Basement:</b> Any area of a building having its floor elevation below ground level on all sides, including crawlspaces.	Change to include crawlspaces
<b>Boarding House:</b> Building wherein more than four people are sheltered for profit.	Remove, does not appear in the Bylaw, replace with lodging establishment and short term rental.
<b>Boundary Line Adjustment:</b> A reconfiguration of land for the purpose of adjusting boundaries between adjacent lots or parcels where no new lot is created.	New
<b>Building Area:</b> Total of area taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of unenclosed porches twenty-five (25) square feet or less, terraces and steps. All dimensions shall be measured between exterior faces of walls.	Remove
<b>Building Front Line:</b> A line that is parallel to the front lot line transecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed but does not include steps.	Remove
<b>Building Height:</b> Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.	Remove, height is a generally known term.
<b>Building:</b> A structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.	Remove, the Bylaw uses the word structure, not building
<b>Camp Ground:</b> Land on which are located four or more campsites, cabins, trailers, shelters, or other accommodation suitable for recreational, seasonal, or temporary living purposes.	Change to match state definition of 4 or more (our Bylaw is currently one or more) does not need to be commercial
<b>Camp:</b> A single hut, shed, cabin, yurt or similar small structure used by the owner as shelter from the weather for seasonal hunting or vacation. May not be used as a permanent dwelling or short-term rental. Limited to 900 square feet or less and no more than 20 feet in height.	New
<b>Camping Vehicle:</b> A travel trailer, tent trailer, motor home, camper trailer, truck camper or any other device or conveyance so constructed as to permit its ready transport on public highways and designed as temporary living/sleeping quarters.	New
<b>Campsite:</b> An area available for overnight vacation or recreational purposes, including areas for tents or recreational vehicles (RVs).	New

<b>Cemetery:</b> Property used for the interring of the dead.	<b>No change</b>
<b>Change of Use:</b> Any use that substantially differs from the previous use of a building or land, or a change that has the potential to increase the use beyond what is currently permitted.	<b>New</b>
<b>Channel (Communications):</b> The segment of the radiation spectrum to or from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.	<b>Remove, does not appear anywhere in text of the Bylaw.</b>
<b>Channel:</b> An area that contains continuously or periodic flowing water that is confined by banks and a streambed.	<b>New</b>
<b>Child Care Home (registered):</b> A home serving six or fewer full-time and four part-time children, and registered with the State of Vermont	<b>New</b>
<b>Child Care Facility (licensed):</b> A home or facility serving more than six full-time and four part-time children, and licensed with the State of Vermont.	<b>New</b>
<b>Child Care:</b> A home or facility serving more than six full-time and four part-time children.	<b>Remove and replace with Child Care “home” and “facility” to create an exempt use for in home care registered with the State.</b>
<b>Club, Private:</b> Building or use catering exclusively to club members and their guests for recreational purposes.	<b>Remove to replace with “club”</b>
<b>Club:</b> Structure or use catering exclusively to members and their guests for recreational, educational, civic, religious, or other non-profit purposes.	<b>New</b>
<b>Clustering:</b> A land use pattern in which related uses are located closely together. It is used to increase the density of development in an area by grouping compatible uses and allowing for a higher intensity of development than would be allowed under standard zoning regulations.	<b>New for Planned Unit Development flexibility.</b>
<b>Colocation:</b> Locating personal wireless telecommunications equipment from more than one provider at a single site or structure.	<b>Remove</b>
<b>Commercial Accommodations:</b> Any business engaged in the provision of rooms for short-term occupancy, with or without meals, to the traveling public.	<b>Remove and replace with Lodging establishment and short term rental</b>
<b>Common plan of development:</b> The overall process for a structure to be refurbished or constructed under one approved plan or permit, but in separate stages, phases, or in combination with other construction activities. Such work may be planned unit by unit and may take place at different times, on different schedules.	<b>New to meet SFHA requirements.</b>

<b>Communications Facility:</b> All equipment (including repeaters) and locations of equipment with which a communications provider transmits and receives the waves which carry their services. This facility may include antennas and towers, and may be sited on one or more towers or structure(s) owned and permitted by the provider or another owner or entity.	<b>New to replace Personal Wireless Telecomm Facility</b>
<b>Community Center:</b> Includes public or private meeting hall, place of assembly, museum, art gallery, library.	<b>Change to remove church and education</b>
<b>Community Facility:</b> A building or structure owned and operated by a governmental agency to provide a governmental service to the public.	<b>Remove, replace with Public Facility to reflect govt function.</b>
<b>Compensatory storage:</b> A volume not previously used for flood storage and which shall be incrementally equal to or exceed the theoretical volume of flood water at each elevation, up to and including the base flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream, or creek.	<b>New</b>
<b>Completed:</b> A structure shall be considered complete when the roof and walls are in place, all electrical and plumbing systems have been installed and are operational, and the structure is inhabitable.	<b>No change</b>
<b>Conditional Use:</b> Any use permitted in a District upon Conditional Use approval by the Development Review Board.	<b>Change, omit reference to section in Bylaw</b>
<b>Construction Trailer:</b> A vehicle which is: (1) built on a single chassis; (2) 500 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable; and (4) designed for use as a temporary office facility used to support management of a construction project, and not as a permanent structure.	<b>New, for SFHA</b>
<b>Coverage:</b> That percentage of the lot area covered by the building area.	<b>Remove</b>
<b>Critical Facilities:</b> Services and structures that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities.	<b>New, for SFHA</b>
<b>Damaged Structure:</b> A structure having significant impairment that diminishes usefulness, value, normal function, or no longer exists, following a destructive event.	<b>New to differentiate from abandoned structure (and provide a way to rebuild damaged structures compared to abandoned structures)</b>



<b>dBm:</b> Unit of measure of the power level of a signal expressed in decibels above 1 milliwatt.	<b>Remove</b>
<b>Design Flood Elevation (DFE):</b> Base Flood Elevation plus two feet.	<b>New, for SFHA</b>
<b>Development:</b> The division of a parcel into two or more parcels; any human-made change to improved or unimproved real estate, including but not limited to construction, reconstruction, conversion, structural alteration, relocation or enlargement of structure; any change in the use of a structure, or land, or extension of use; mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.	<b>New</b>
<b>District:</b> A part, zone or geographic area within the municipality within which certain zoning or development regulations apply.	<b>No change</b>
<b>Driveway:</b> A private access from a public or private road serving up to two lots, providing access for vehicles to a parking space, garage, dwelling or other structure.	<b>Change, add serving up to two lots</b>
<b>Dwelling Unit:</b> One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided for the exclusive use of a single household as a residence.	<b>Change to remove term from its own definition.</b>
<b>Dwelling, Multiple Household:</b> Structure used as a residence by three (3) or more households living independently of each other.	<b>Change family to household, building to structure</b>
<b>Dwelling, Single Household:</b> Detached structure used for residence for one (1) household. This may include, though is not limited to, a home built on-site, a manufactured home, a modular home, or a tiny house.	<b>Change family to household, change one to single, building to structure</b>
<b>Dwelling, Two Household:</b> Structure used as a residence by two (2) households living independently of each other.	<b>Change family to household, building to structure</b>
<b>Earth Resource Removal:</b> Extraction or mining of sand, gravel and stone for sale or off-tract use on an open land area.	<b>Remove, replace with Natural Resource Extraction (commercial)</b>
<b>Easement:</b> A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.	<b>No change</b>
<b>Encroachment:</b> Fill or development that reduces the functional river corridor (impairs the equilibrium condition) or increases flood levels.	<b>New for SFHA</b>
<b>Equilibrium condition:</b> The width, depth, meander pattern, and longitudinal slope of a stream channel that occurs when water flow, sediment, and woody debris are transported by the stream in such a manner that it generally maintains dimensions,	<b>New for SFHA</b>

pattern, and slope without unnaturally aggrading or degrading the channel bed elevation.	
<b>Essential Services:</b> The erection, construction, alteration, or maintenance of underground, surface or overhead electrical, gas, steam, water and sewage transmission and collection systems and the equipment and accessory uses necessary for such systems to furnish an adequate level of public service.	<b>Remove because these services are exempt or require a certificate of public good and not governed by this Bylaw and do not appear in this Bylaw</b>
<b>Excavation, Grading, and Filling:</b> The removal of earth, and or depositing rock, concrete, stone, gravel, sand, cinders, stumps, soil, or other material used as fill.	<b>New</b>
<b>Family:</b> One (1) or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.	<b>Remove, replace with household</b>
<b>Farm Structure:</b> A building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with agricultural or farming practices, including a silo, as “agriculture” is defined above, but excludes a dwelling for human habitation.	<b>No change</b>
<b>Farm:</b> See the definition of Agriculture.	<b>No change</b>
<b>Fee:</b> A fixed charge as determined by the Town’s legislative body for the purpose of covering the cost of the administration of the Bylaw.	<b>No change</b>
<b>Fence:</b> An artificially constructed barrier of any material or combination of material erected to enclose or screen areas of land.	<b>No change</b>
<b>Fill:</b> Any placed material that changes the natural grade, increases the elevation, redirects the movement of flood water, or diminishes the flood storage capacity at the site. Temporary storage of material for less than 180 days is not considered fill.	<b>New</b>
<b>Finished Grade:</b> Completed surfaces of ground, lawns, walks, paved areas and roads brought to grades as shown on plans relating thereto.	<b>No change</b>
<b>Flood Fringe Area:</b> That portion of the special flood hazard area outside of the flood way based on the total area inundated during the regulatory base flood plus twenty-five (25) percent of the regulatory base flood discharge.	<b>Remove, does not appear in Bylaw</b>
<b>Flood Hazard Area:</b> The land subject to flooding by the base flood.	<b>Remove, refer to this as Special Flood Hazard Area according to FEMA definition</b>
<b>Flood Hazard:</b> Hazards related to damage from flood-related inundation or erosion.	<b>New</b>
<b>Flood Insurance Rate Map (FIRM):</b> An official map of a community, on which the Federal Insurance Administrator has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.	<b>New</b>
<b>Flood Insurance Study (FIS):</b> An examination, evaluation, and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an	<b>New</b>

examination, evaluation, and determination of mudslide (i.e., mudflow) and /or flood-related erosion hazards.	
<b>Flood Proofing:</b> Means any combination of structural and nonstructural additions, changes, or adjustment to properties and structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.	<b>No change</b>
<b>Floodway:</b> The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that Special Flood Hazard Areas and Floodways may be shown on a separate map panels.	<b>New</b>
<b>Floor Area:</b> Sum of the gross horizontal area of the floors of a building, excluding unfinished basement floor areas. All dimensions shall be measured between interior faces of walls.	<b>Remove, does not appear in the Bylaw</b>
<b>Fluvial erosion:</b> The erosion or scouring of riverbeds and banks during high flow conditions of a river. Fluvial erosion is most likely to occur within the river corridor.	<b>New</b>
<b>Food Truck:</b> A licensed, motorized vehicle or mobile food unit, including a trailer or converted recreational vehicle, equipped to refrigerate and/or cook food where, on a temporary basis, such food items are sold to the general public.	<b>New</b>
<b>Forestry:</b> Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.	<b>No change</b>
<b>Front Yard:</b> See YARD, FRONT	<b>Remove</b>
<b>Funeral Home:</b> A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.	<b>No change</b>
<b>Gas station/ Charging Station:</b> A retail commercial establishment selling fossil fuel or other alternative fuel, or providing power for electrical recharging of vehicles, to the public on the premises, either as a primary or secondary use.	<b>New</b>
<b>GHz:</b> Gigahertz. One billion (1,000,000,000) hertz.	<b>Remove</b>
<b>Grading:</b> Movement or replacement of topsoil or other material originating on the site and within the hazard area. Grading results in minor or no changes in topographic elevations. If new material is brought from outside the Special Flood Hazard Area and such new material is not offset with an equal or greater removal of material from the portion of the site within the hazard area, the new material shall be considered “fill” and shall not be considered grading.	<b>New</b>
<b>Group Home:</b> Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A. § 4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs.	<b>No change</b>

<b>Helipad:</b> A single takeoff and landing zone designated for use by one helicopter at a time.	<b>New</b>
<b>Hertz:</b> (Hz) One hertz is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second.	<b>Remove</b>
<b>Historic Structure:</b> Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.	<b>New</b>
<b>Home Business:</b> An enterprise that is conducted by residents of the dwelling and up to a maximum of two (2) nonresident employees on-site at any time, and shall be conducted within the principal dwelling, an attached garage, or an accessory structure.	<b>New</b>
<b>Home Occupation:</b> An activity conducted within a minor portion of a dwelling or accessory structure which is carried on solely by residents of that dwelling, and is customary in residential areas and which does not have an undue adverse effect upon the character of the residential area in which the dwelling is located, or any exterior evidence of the occupation.	<b>Change to include definition within the Bylaw</b>
<b>Household Appliance:</b> Any range, stove, refrigerator, washing machine, clothes dryer, water pump, power tool and the like.	<b>Remove</b>
<b>Indoor Recreation:</b> An establishment providing the general public with amusement or activities inside a structure.	<b>New</b>
<p><b>Interested Person:</b> In accordance with Section 4465 of 24 V.S.A, an interested person means any one of the following:</p> <p>(1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.</p> <p>(2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.</p> <p>(3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the</p>	<b>No change</b>

<p>criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.</p> <p>(4) Any ten persons who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.</p> <p>(5) Any department and administrative subdivision of this state owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the agency of commerce and community development of this state.</p>	
<p><b>Junk Motor Vehicle:</b> A discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof.</p>	<p><b>Change to remove the specifications for how long a junk vehicle can be parked as this is contained in the Bylaw</b></p>
<p><b>Junk Yard:</b> Any place of outdoor storage or deposit which is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk or as a scrap metal processing facility. "Junkyard" also means any place of outdoor storage or deposit, not in connection with a business, which is maintained or used for storing or keeping two or more unregistered motor vehicles which are visible from any portion of a public highway (any highway, road, street or other public way, regardless of classification). However, the term does not include a private garbage dump or a sanitary landfill approved or permitted by the State of Vermont. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs.</p>	<p><b>Remove and replace with Salvage Yard. The Town Plan states "Examine existing junk car ordinance in the Bylaws and determine if it meets the current need and if it is enforceable"</b></p>
<p><b>Junk:</b> Old or discarded scrap copper, brass, iron, steel and other old or scrap or nonferrous material, including but not limited to household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures, or any discarded, dismantled, wrecked, scrapped or ruined motor vehicles or parts thereof. Any of the above items used in a bona fide agricultural operation are excluded from this definition.</p>	<p><b>Remove</b></p>
<p><b>Land:</b> A singular piece of real estate deeded to a specified owner.</p>	<p><b>Remove</b></p>
<p><b>Light Manufacturing:</b> Fabrication, processing or assembly employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or</p>	<p><b>No change</b></p>

quiet machinery and processes, and free from neighborhood-disturbing agents, such as odors, gas, fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration.	
<b>Loading Space:</b> An off-street space or berth used for the loading or unloading of commercial vehicles.	<b>No Change</b>
<b>Lodging Facility:</b> An establishment renting three or more guest rooms or units, that is regularly used, maintained, and advertised to the transient traveling or vacationing public as a place where sleeping accommodations are furnished. An attendant or employee is on site, and food may or may not be served. This includes, but not by way of limitation, hotels, motels, inns, and lodges.	<b>New</b>
<b>Lot Area:</b> The area of a horizontal plane bounded by the front, side, and rear lot lines of a property	<b>Change to not excluding public highway area</b>
<b>Lot Depth:</b> The distance measured from the front lot line to that point farthest from the front lot line measured at right angles to the front lot line.	<b>No change</b>
<b>Lot Frontage:</b> The length of the front lot line measured at the edge of the public right-of-way.	<b>Change, added public to right of way</b>
<b>Lot Line, Front:</b> The lot line separating a lot from a public right-of-way.	<b>Change, replace street with public</b>
<b>Lot Line, Rear:</b> The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.	<b>No change</b>
<b>Lot Line, Side:</b> Any lot line other than a front or rear lot line.	<b>No change</b>
<b>Lot:</b> Land occupied or to be occupied by a structure and its accessory structures and uses, together with the required open spaces. It shall not have less than the minimum area, width and depth for a lot in the Zoning District in which such land is situated and shall have the required frontage on a public road or other means of access as may be determined by the Development Review Board.	<b>Change building to structure, add uses, change PC to DRB</b>
<b>Lowest Floor:</b> The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR (Code of Federal Regulations), § 60.3, Flood Plain Management Criteria for Flood Prone Areas.	<b>No change</b>
<b>Maintenance:</b> Periodic actions required to keep up a condition and that do not significantly change the materials or extent of an existing condition in the Special Flood Hazard Area.	<b>New for SFHA</b>
<b>Manual And Automatic Controls:</b> Give protection to power grids and limit rotation of the blades to below the designed limits of the conversion system.	<b>Remove</b>
<b>Manufactured Home:</b> A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For	<b>No change</b>

insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.	
<b>Mean Sea Level:</b> For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a communities Flood Insurance Rate Map are referenced.	<b>No change</b>
<b>Mobile Home Park:</b> A parcel of land under single or common ownership or control that contains, or is designed, laid out, or adapted to accommodate, more than two mobile homes. “Mobile home park” does not include a parcel used solely for storage or display of mobile homes or a parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees, or any parcel of land used solely on a seasonal basis for vacation or recreation mobile homes.	<b>No change</b>
<b>Mobile Home:</b> A structure or type of manufactured home, including the plumbing, heating, air-conditioning, and electrical systems contained in the structure, that is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and is transportable in one or more sections. A sectional prefabricated house shall not be considered a mobile home.	<b>No change</b>
<b>Monitoring Protocol:</b> The testing protocol, such as the Cobbs Protocol, (or one substantially similar, including compliance determined in accordance with the National Council on Radiation Protection and Measurements, Reports 86 and 119) which is to be used to monitor the emissions and determine exposure risk from existing and new telecommunications facilities upon adoption of this article.	<b>Remove</b>
<b>Monitoring:</b> The measurement, by the use of instruments in the field, of non-ionizing radiation exposure at a facility site as a whole, or from individual personal wireless communication facilities, towers, antennas or repeaters.	<b>Remove</b>
<b>Monopole:</b> A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal or a wooden pole with below grade foundations.	<b>Remove</b>
<b>Motel:</b> Building containing rooms which are rented as a series of sleeping units for automobile transients, each sleeping unit consisting of at least a bedroom and bathroom.	<b>No change</b>
<b>Natural Resource Extraction (commercial):</b> Commercial extraction of earth resources including solids such as sand and gravel, liquids such as water, and gases such as natural gas, and including preparation activities such as crushing and washing.	<b>New to replace Earth Resource Removal</b>
<b>New Construction:</b> structures for which the start of construction commenced on or after the effective date of floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.	<b>New for SFHA</b>
<b>Nonconforming Lot or Structure:</b> A lot or structure that does not meet the standards of the zoning regulations for the District in which it is located, where such lot or structure or lot conformed with all applicable laws, ordinances and regulations prior to the enactment of these regulations , including a structure improperly authorized as a result of error by the Zoning Administrator. Structures that were in violation of the regulations in effect at the time of their creation, and remain so, remain violations and are not nonconforming structures.	<b>Change; expanded to include ZA error and clarify that prior structures without a permit are not nonconforming structures.</b>

<b>Nonconforming Use:</b> Use of land or structure which does not comply with all zoning regulations for the District in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to enactment of these regulations.	<b>No change</b>
<b>Non-Residential Use:</b> All uses of structures or land except dwellings.	<b>Change, simplified to dwellings rather than name all types of dwellings</b>
<b>Office Space:</b> Sum of the gross horizontal area of the floors of the room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government. All dimensions shall be measured between interior faces of walls.	<b>Remove</b>
<b>Outdoor Recreation:</b> A facility open to the general public, including but not limited to golf course driving range, golf pitch and putt course, golf courses, hunting preserve, ski area, tennis courts, and any other public facilities as they become available.	<b>No change</b>
<b>Overlay:</b> A mapped area showing where an additional layer of zoning standards applies in addition to the standards of the underlying Zoning District.	<b>New</b>
<b>Parcel:</b> One or more continuous lots under common and identical ownership.	<b>New</b>
<b>Parking Space:</b> Off-street space used for the temporary location of a motor vehicle, which conforms with the dimensional requirements for safe and navigable parking and having direct access to a public or private road or right-of-way.	<b>Change to remove "one licensed" from motor vehicle, include "safe and navigable" remove reference to 313 (this is an error), replace street or alley with public or private road or right-of-way</b>
<b>Permitted Use:</b> A use specifically allowed in a District; upon issuance of a Zoning Permit, excluding illegal uses and nonconforming uses.	<b>No change</b>
<b>Personal Airstrip:</b> A private residential takeoff and landing facility attached to the airstrip owner's residential property and used only by the owner.	<b>New</b>
<b>Personal Wireless Services:</b> Commercial mobile services, unlicensed wireless exchange access services. These services include: cellular services, personal communications services, specialized mobile radio services, and paging services.	<b>Remove</b>
<b>Personal Wireless Telecommunications Facility:</b> All equipment (including repeaters) and locations of equipment with which a telecommunications provider transmits and receives the waves which carry their services. This facility may be sited on one or more towers or structure(s) owned and permitted by the provider or another owner or entity.	<b>Remove, replace with Communications Facility</b>
<b>Personal Wireless Telecommunications Service Provider:</b> An entity licensed by the FCC to provide telecommunications services to individuals or institutions.	<b>Remove</b>
<b>Place of Worship:</b> A structure or space where individuals or a group of people come to hold religious services or perform acts of devotion.	<b>New</b>



<b>Plat:</b> A map representing a tract of land, showing the boundaries and location of individual properties and streets.	<b>No change</b>
<b>Plot:</b> A parcel of land that can be identified and referenced to a recorded plat or map.	<b>Remove</b>
<b>Pond:</b> A small body of water formed naturally or by hollowing or embanking.	<b>New</b>
<b>Post Office:</b> An establishment handling the transmission of mail.	<b>New</b>
<b>Principal Use:</b> The primary or predominant use of any lot.	<b>No change</b>
<b>Private Road:</b> A right-of-way from a public or private road serving three or more lots, providing access for vehicles to a parking space, garage, dwelling or other structure.	<b>New to differentiate from a driveway</b>
<b>Professional Engineer:</b> An engineer licensed to practice in the State of Vermont.	<b>No change</b>
<b>Professional Offices:</b> A service-oriented business location, which may provide service remotely and in person to customers, and that does include high traffic to the physical location.	<b>Change</b>
<b>Professional Services:</b> A service-oriented business providing services, not in a dwelling, that produce regular or periodic high traffic to its physical location.	<b>New</b>
<b>Public Assembly:</b> Includes auditorium, theater, public hall, school hall, meeting hall, church, and temple.	<b>Remove</b>
<b>Public Facility:</b> Any structure or land use necessary for either the conduct of municipal business or the maintenance of municipally owned structures, land, services, and/or vehicles.	<b>No change</b>
<b>Public or Private Large Event:</b> A gathering that anticipate or are planned for a capacity of more than 500 people or gathering of 100 cars, at a dwelling or private land.	<b>New</b>
<b>Rear Yard:</b> See Yard, Rear	<b>Remove</b>
<b>Recreational Vehicle:</b> A vehicular type portable structure without a permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.	<b>No change</b>
<b>RELIGIOUS USES:</b> Includes church, temple, parish house, convent, seminary and retreat house and structures or uses incidental thereto.	<b>Remove, replace with places of worship</b>
<b>REPEATER:</b> A small receiver/relay transmitter designed to provide service to areas which are not able to receive adequate coverage from a base station in a personal wireless telecommunications network and has no significant visual impact on the surrounding area.	<b>Remove</b>
<b>Replacement Structure:</b> A new building placed in the same footprint as the pre-existing building and does not include a change in use.	<b>New</b>
<b>Residential Area:</b> Any part of Westfield in which this Bylaw permits accessory, one, two, or multi household dwellings.	<b>Change family to household</b>
<b>Residential Use:</b> Includes accessory dwelling, one-family dwelling, two-family dwelling, multiple-family dwelling and professional residence-office.	<b>Remove</b>
<b>Restaurant/Bakery:</b> The use of any fixed or mobile facility to offer or prepare food or drink for retail sale, or for service with or without charge at the premises or elsewhere.	<b>Change to make it a use</b>

<b>Retail Sales:</b> The use of an enclosed space for the sale of goods manufactured onsite or offsite, and shall exclude an open-air retail stand, auto service, gas stations, and vehicle sales and service.	<b>Change to make it a use; remove services.</b>
<b>Right-Of-Way:</b> The land area where legal rights exist, by use or by grant, for one entity to pass a specific path across or use for conveyance purposes, land owned by another entity. This includes but is not limited to land intended to be occupied or is occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer and other similar uses. Unless indicated otherwise by Town records, all public road rights-of-way shall be deemed to be fifty (50) feet in width.	<b>Change to include the existence of a legal right and include presumed 50 foot width on public roads.</b>
<b>River Corridor:</b> The land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition and for minimization of fluvial erosion hazards, as delineated by the Vermont Agency of Natural Resources in accordance with River Corridor protection procedures (10 V.S.A. § 1422), and depicted on the Vermont Agency of Natural Resources Atlas.	<b>New for River Corridor Overlay</b>
<b>River:</b> The full length and width, including the bed and banks, of any watercourse, including rivers, streams, creeks, brooks, and branches which experience perennial flow. River does not mean constructed drainageways, including water bars, swales, and roadside ditches.	<b>New</b>
<b>Salvage Yard:</b> A place of outdoor storage or deposit for storing, keeping, processing, buying, or selling junk or as a scrap metal processing facility or any outdoor area used for operation of an automobile graveyard.	<b>New</b>
<b>Scenic View:</b> A wide angle or panoramic field of sight which may include natural and/or human-made structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a faraway object, such as a mountain, or a nearby object. Scenic views of particular importance are noted in the Westfield Town Plan under “Wildlife Habitat and Significant Natural and Historic Features”.	<b>No change</b>
<b>School:</b> Any structure, campus, or part thereof which is designed, constructed or used for educational purposes or instruction in any branch of knowledge. This term shall include pre-school, elementary school, secondary school or post-secondary school whether public or private.	<b>No change</b>
<b>Self Storage Units:</b> A structure or land area containing two (2) or more storage units available to the general public in exchange for a monthly fee where such storage units are accessible to the lessee as an outdoor land area, or from the exterior or interior of a structure.	<b>Change building to be any structure or area, add interior access</b>
<b>Setback:</b> The shortest distance between a structure (including all features of the structure except uncovered steps) and the edge of property lines; or the traveled way of a private right-of-way where no survey exists; or the edge of an established surveyed private right-of-way; or the established edge of the public road right-of-way.	<b>Change to be travelled edge for a private right of way where the location of the</b>

	right of way is not known.
<b>Short term rental:</b> A structure or area used completely or partially to offer sleeping accommodations to the public in exchange for payment for stays fewer than 30 consecutive days if those rentals total 15 or more days in a calendar year. This may include, and is not limited to, a home or room(s) in a home, cabin, cottage, condominium, tent, camper, campsite.	New
<b>Side Yard:</b> See YARD, SIDE	Remove
<b>Sign:</b> For the purposes of this Bylaw, a sign is any display or representation, used or placed as an announcement, direction, or advertisement. The word “placed” for the purpose of this definition shall include erected, constructed, fastened, or affixed to the ground or structure.	Change to a more simple plain language definition
<b>Special Flood Hazard Area (SFHA):</b> The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. For purposes of this Bylaw, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area.” This area is usually labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps published by FEMA. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: <a href="http://msc.fema.gov">msc.fema.gov</a> . Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of special flood hazard areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.	New for SFHA, replaces Flood Hazard Area
<b>Start Of Construction:</b> For purposes of floodplain management, the effective map or bylaw that regulated development in the Special Flood Hazard Area for a structure. The start of construction includes substantial improvement and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.	New
<b>Stealth Communications Facility:</b> Any facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally	Add “communications”

screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, antenna structures designed to look like light poles, and structures designed to resemble natural features such as trees or rock outcroppings.	<b>to term to match how it is used in the Bylaw</b>
<b>Storage:</b> The aggregation of materials, items, or objects whether natural or human-made; that is kept as a stockpile, collection, or inventory; where individual materials from the stockpile, collection or inventory may change, but where the general footprint of the stored materials continues to be used for the same purpose; whether set upon the land or within a container, structure, or facility; and that would not otherwise be in compliance with these development standards.	<b>New</b>
<b>Street Line:</b> Right-of-way line of a public highway as dedicated by a deed of record, where the width of the street is not established, the street line shall be considered to be twenty-five (25) feet from the center line of the traveled portion of the right-of-way.	<b>Remove; include assumed width of right of way in right of way definition</b>
<b>Street:</b> Public highway for vehicular traffic which affords the principal means of access to abutting properties.	<b>No change</b>
<b>Structure:</b> A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. This includes, and is not limited to, a walled and roofed building, as well as a manufactured home, including gas or liquid storage tanks.	<b>Add “This includes...” to meet the SFHA req’s for FEMA.</b>
<b>Subdivision:</b> The establishment of new lot boundaries that result in creation of a new additional lot.	<b>New</b>
<b>Substantial damage:</b> Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.	<b>New to clarify for SFHA reqs.</b>
<b>Substantial improvement:</b> Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this Bylaw, the cost of which, over three years or over the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.”	<b>Change to clarify for SFHA reqs.</b>
<b>Temporary Structures/Uses:</b> A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. This term also means a use established	<b>Remove</b>

for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.	
<b>Temporary Wireless Communication Facility:</b> Any tower, pole, antenna, etc., designed for use while a permanent wireless facility is under construction, or for a special event or conference.	<b>Remove</b>
<b>Top Of Bank:</b> The bank is the land area immediately adjacent to the bed of the stream which is essential in maintaining its integrity. The top of the bank is a point along a channel where the inclined walls of the bank and the more moderate slope of adjacent land meet.	<b>Change, insert “along a channel” and change steep to inclined</b>
<b>Traveled Way:</b> That portion of a public highway designed for the movement of a motor vehicle, shoulders, and roadside parking, rest, observation areas, and other areas immediately adjacent and contiguous to the traveled portion of the roadway.	<b>No change</b>
<b>Variance:</b> Permission to depart from the literal requirements of this Zoning Bylaw. Such permission shall be granted only by the Westfield Development Review Board in compliance with the criteria set forth in 24 V.S.A. §4469 and after a public hearing warned in compliance with 24 V.S.A. §4464.	<b>Change ZBA to DRB</b>
<b>Vegetated Buffer Strip:</b> Undisturbed vegetation located along waterways.	<b>No change</b>
<b>View Corridor:</b> A three-dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as a mountain, which would result in a narrow corridor, or a group of objects, such as a downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360-degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights must be limited in order to protect the view.	<b>Remove because this is defined as scenic view and identified in the Town Plan</b>
<b>Violation:</b> The failure of a structure or other development to be fully compliant with this Bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 C.F.R. § 60.3 is presumed to be in violation until such time as that documentation is provided.	<b>New</b>
<b>Water Reservoir:</b> This term shall mean either an impoundment of water created by a human made dam or a tower, structure or lake built for the sole purpose of storing water.	<b>Remove, does not appear in Bylaw</b>
<b>Waterway:</b> A body of flowing water identified as a river, stream, or brook on the Vermont Agency of Natural Resources Natural Resource Atlas.	<b>Change to reference the ANR Natural Resource Atlas</b>
<b>Wildlife Refuge:</b> An area of land, with or without structures, that has been set aside for the sole purpose of providing a protected habitat for one or more species of animal.	<b>Remove; does not appear in Bylaw</b>
<b>Wind Energy Conversion System (WECS):</b> Any device such as a wind charger, windmill or wind turbine which converts wind energy into a form of usable energy.	<b>No change</b>
<b>Yard, Front:</b> An open space of land between the front lot line and the front of the nearest principal or accessory structure extended to the side lot lines of the lot. The depth of the front yard shall be measured from the front lot line to the front line of the nearest principal or accessory structure.	<b>Remove</b>

<b>Yard, Rear:</b> An open space of land between the rear lot line and the rear of the nearest principal or accessory structure extended to the side lot lines of the lot. The depth of the rear yard shall be measured from the rear lot line to the rear of the nearest principal or accessory structure.	<b>Remove</b>
<b>Yard, Side:</b> An open space of land between the nearest principal or accessory structure and a side lot line, and extending through from the front yard to the rear yard.	<b>Remove</b>
<b>Yard:</b> An open space of land that lies between the principal or accessory structures and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Zoning Bylaw.	<b>Remove</b>

#### **Index of Abbreviations and Acronyms:**

<b>ANR</b>	Vermont Agency of Natural Resources
<b>BFE</b>	Base Flood Elevation
<b>BMP</b>	Best Management Practices
<b>CFR</b>	Code of Federal Regulations
<b>CO</b>	Certificate of Occupancy
<b>DEC</b>	Department of Environmental Conservation
<b>DFE</b>	Design Flood Elevation
<b>DRB</b>	Development Review Board
<b>FCC</b>	Federal Communications Commission
<b>FEMA</b>	Federal Emergency Management Agency
<b>FIRM</b>	Flood Insurance Rate Map
<b>LOMA</b>	Letter of Map Amendment
<b>NFIP</b>	National Flood Insurance Program
<b>RAP</b>	Required Agricultural Practice
<b>SFHA</b>	Special Flood Hazard Area
<b>WECS</b>	Wind Energy Conversion System
<b>ZA</b>	Zoning Administrator

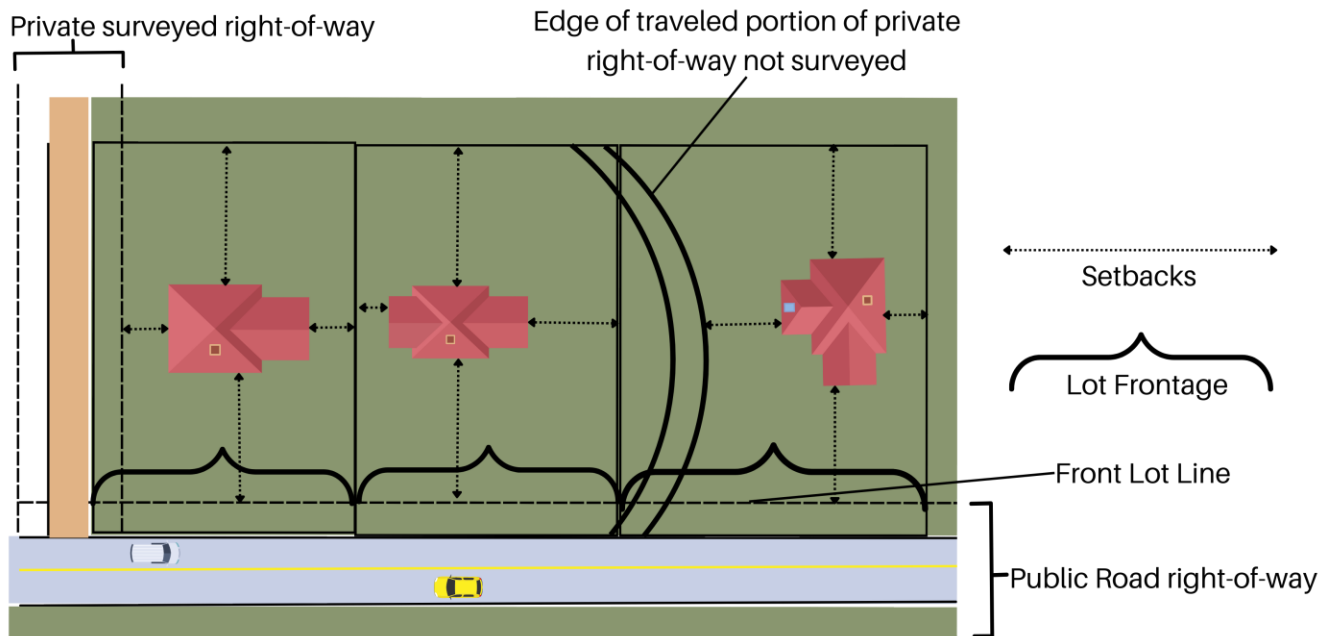
Figures

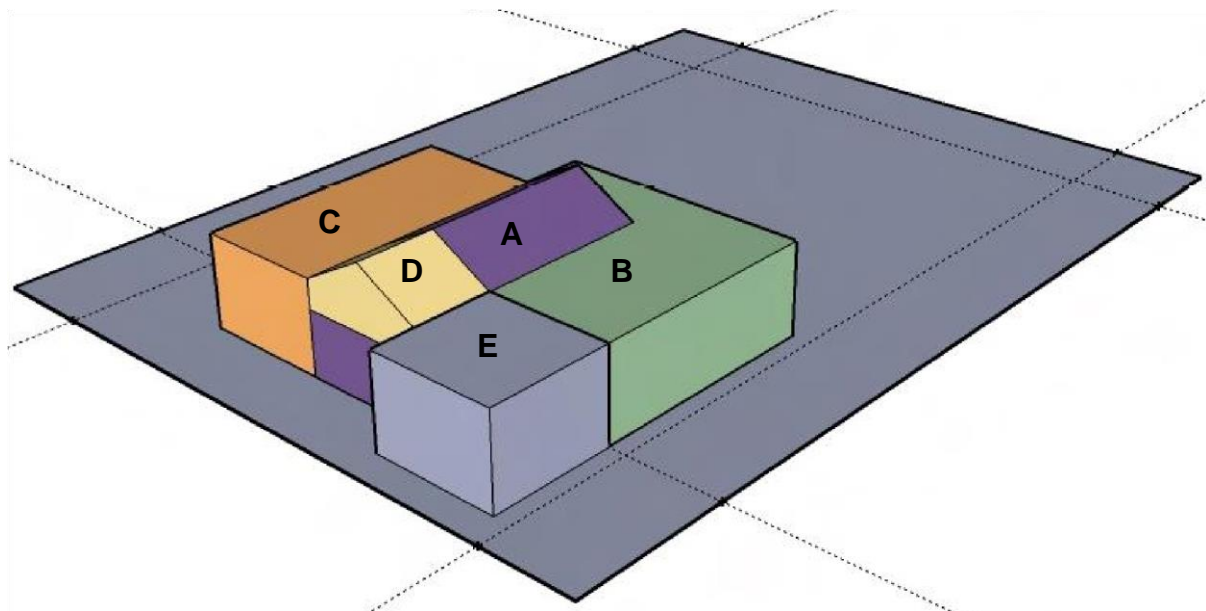
There are currently no figures in the Zoning Bylaw.

Proposed

**Figure 1:** The current Westfield Zoning Map with the additional layer for a proposed Conservation District as proposed in Map Drafts 1)

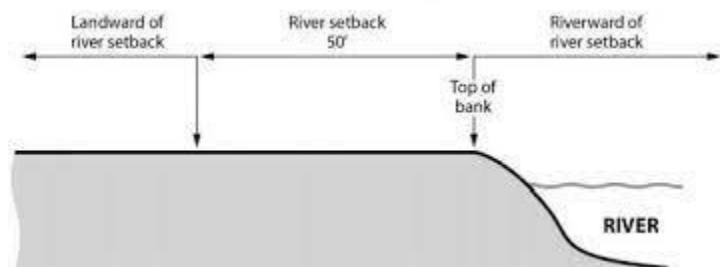
**Figure 2:** A diagram illustrating how to measure dimensional requirements of Lot Frontage and Setbacks. Unless indicated otherwise by Town records, all public road rights-of-way shall be deemed to be fifty (50) feet in width.





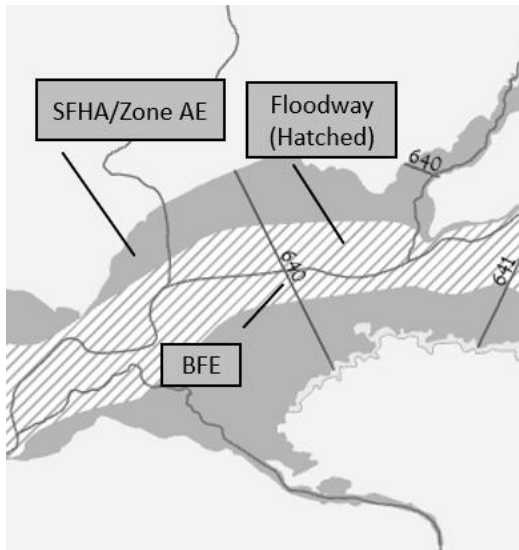
**Figure 3:** Increasing the Degree of Nonconformity of a Structure

The building 'A' is the original nonconforming structure because it encroaches into the setback. Additions 'B' and 'D' are allowed under these regulations because they do not encroach further into the setback than Building 'A'. Addition 'C' and 'E' are not allowed under these regulations because it encroaches further into the setback than Building 'A'.



**Figure 4:** Illustration of the top of the bank and required setback from a waterway.



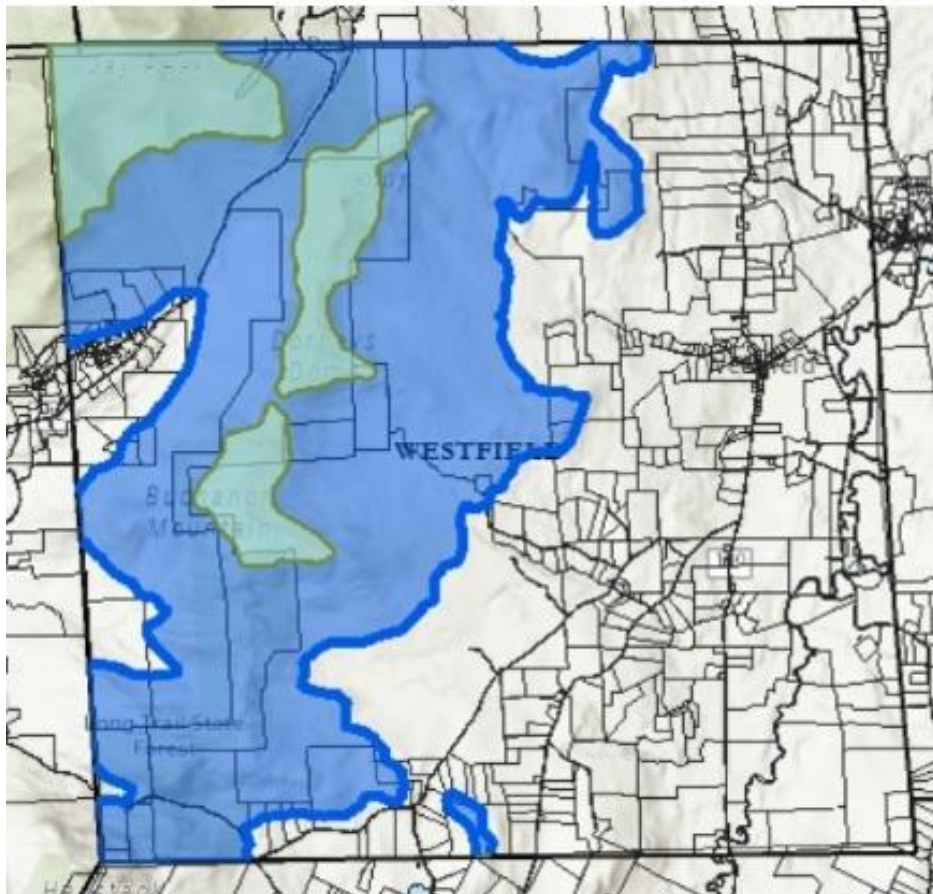


**Figure 5:** Diagram of Special Flood Hazard Area (SFHA) containing the Floodway (shown in hatched pattern). Also, cross-sections marked with the Base Flood Elevation (BFE) at that location.

## Draft Maps

More detailed views will be developed for discussion at the public hearing and for adoption.

### 1. Proposed Conservation District



## Draft Map

- Proposed Conservation District  
Land at 1600' and up to 2500'
- Land at and above 2500'  
(regulated by State of Vermont)

2. Special Flood Hazard Area Overlay. These maps exist on paper in the Town Clerk's Office and are published by the National Flood Insurance Program. No changes are proposed.

### 3. River Corridor Overlay

